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PART I


## HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.



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## Title 7—Agriculture

## CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

### SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-323]

## PART 876—SUGARCANE; HAWAII

### Fair and Reasonable Prices for 1974 Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices or rates determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in Hilo, Hawaii, on April 25, 1974.

The determination, which is applicable to the 1974 crop of Hawaiian sugarcane, continues all provisions of the 1973 crop determination including the maximum rates producer-processors may charge under a tolling agreement for processing sugarcane grown by other producers.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 25, 1974, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.



AUTHORITY: Secs. 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 931; (7 U.S.C. 1131, 1153).

### § 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1974 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

### § 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Company, Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those producers listed below shall be not more than that established for each such processor.

| Processor | Rate for processing (Percentage of gross proceeds from sugar and molasses) | Delivery point for sugarcane |
|---|---|---|
| Puna Sugar Co., Ltd. | 34 | Mill. |
| Kohala Sugar Co. | 31 | Do. |
| Laupahoehoe Sugar Co. | 49 | Loaded in trucks. |
| Ka'u Sugar Co., Inc. | 49 | Do. |
| Honokaa Sugar Co. | 49 | Do. |

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Company (a cooperative agricultural marketing association herein referred to as C&H), except that for purposes of calculating the amount due producers, all items of raw sugar and molasses marketing expenses that were charged to producers under the marketing contracts in effect prior to January 1972, but are now deducted by C&H under the revised marketing contracts that became effective January 1, 1972 to obtain proceeds due producers, shall be added back to such proceeds to obtain gross proceeds: *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover (i) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C&H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C&H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of the gross proceeds received from the sugar and molasses recovered from the sugarcane of the producer, as defined in paragraph (b)(2) of this section, less the applicable processing rate, less the shipping and handling expenses added to and made a part of the gross proceeds as provided in paragraph (b)(2) of this section, and less any expenses, such as inland transportation, paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

### § 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Company shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1974 crop shall be limited to the same items as for the 1973 crop, except

that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions, such expenses also may be deducted subject to written approval from the Hawaii State ASCS Office upon a determination by the Hawaii State ASC Committee that the incurrence of such expenses is justified.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles as approved by the State Committee.

§ 876.26 Reporting requirements.

The processor shall submit to the State Committee a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all sugarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane processed by a cooperative processor for non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading Part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS Office, 1833 Kalakaua Avenue, Honolulu, HI 96815.

STATEMENT OF BASES AND CONSIDERATIONS

*General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1974 crop grown by other producers.

*Requirements of the Act.* Section 301 (c) (2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

*Public hearing.* A public hearing was held in Hilo, Hawaii, on April 25, 1974, at which interested persons were afforded the opportunity to present testimony relating to all aspects of fair and reasonable prices for 1974-crop sugarcane including processing rates for sugarcane delivered under a toll agreement.

*Hawaiian Sugar Planters' Association.* A representative of this Association recommended that the present core sampling disintegrator method of allocating sugar and molasses to producers be amended to include an improved laboratory procedure, termed the "Disintegrator/Moisture" method, for determining the weight of cane fiber and other insoluble solids; and that those processors using core sampling be authorized to use the amended method. The witness stated that the new method substitutes a moisture determination for the fiber determination, thus eliminating the bias in the data resulting from loss of soil inherent in the present method. He also stated that the modified method was used experimentally by the Hilo Coast Processing Company at the Wainaku factory for a period during 1973 and at the Puna and Wainaku factories during early 1974.

*Honokaa Sugar Company and Laupahoehoe Sugar Company.* Representatives of these companies recommended that the concept of a uniform tolling fee for all factories with identical cane delivery points be reconsidered. They recommended processing rates of 55 percent for Honokaa and 49 percent for Laupahoehoe, or 60 percent and 53 percent, respectively, if the rates are based on the new marketing agreement with California and Hawaiian Sugar Company; that a profit on services, labor, or materials furnished by processors to producers be continued; and that all other applicable provisions of the 1973 determination remain in effect for the 1974 crop. They presented data relating to the final costs of producing and processing 1973-crop sugarcane. The witnesses testified that the data indicate an F.O.B. refinery processing rate of 49 percent will be fair and reasonable for Laupahoehoe, and that Honokaa's first available cost rates indicate a processing rate of at least 55 percent will be required for that company.

The representative of independent growers at Laupahoehoe recommended that the processing rate be decreased from 49 percent to 45 percent, and that the profit allowance on services furnished growers by plantations be allowed on materials but not on labor and services. In support of his recommendations, he stated that the independent growers account for only four percent of the total sugar production, and the machinery, equipment, labor and overhead staff are recurrent fixed expenses that the processor annually expends whether or not the growers request such services.

The representative of independent growers at Honokaa recommended that, based on growers' total cultivation costs and the computation of an actual rate of 46.29 percent, the processing rate be reduced from 49 percent to 46 percent.

*Puna Sugar Company.* A representative of this company recommended that a 5-year average be used for the development of cost ratios and processing rates to eliminate abnormal results in any one crop year; that the 1974 determination establish a processing rate of 48 percent for Puna on the basis of the new sugar and molasses marketing agreements (44 percent on the basis of the old agreements); and that authority to continue profit margins on services performed by processors for producers be continued. In support of the recommended processing rate, the witness testified that the average processing fees for the five year periods 1968–72 and 1969–73 were 45.56 percent and 47.83 percent, respectively.

The representative of independent growers at Puna recommended that the profit margin of 5 percent be discontinued; that agency fees paid to the parent company be considered profit for the company and charged against it in the cost ratio; that shipping charges continue to be included as a part of grower costs since the processing rate is based primarily upon the principle of dividing total returns among the parties in about the same proportion as their share of total costs, and that the processing rate be lowered to 30 percent. In support of his recommendations, he stated that factory breakdowns and problems encountered at the mill continue to cause extraordinary cost increases, thereby forcing independent growers out of production.

*Olokele Sugar Company Ltd. and Ka'u Sugar Company, Inc.* A representative of these companies testified that the tolling agreement between Olokele Sugar Co. and Gay and Robinson was renewed in 1968 for a period 33 years and recommended that the rate provided in the agreement be continued.

With respect to Ka'u Sugar, the witness recommended a 50 percent processing rate based on the old California and Hawaiian Sugar Co. marketing agreement, or 55 percent if the Department should change the determination to a basis consistent with the new marketing agreement. He further recommended that a 10 percent fee for profit be allowed on labor, materials, and services provided to growers. He testified that no modification in Processing and Agency Contracts are contemplated; that sugar production in 1973 decreased 15½ percent from 1972 because of drought and mill start-up problems; that the loss in sugar production was offset by increased returns from sugar and molasses; that Ka'u is now proposing to adjust equipment charges to actual in the same manner as overhead charges are adjusted; and that transportation and factory costs are increasing at a more rapid rate than cultivation and marketing costs.

*Lihue Plantation Company and Oahu Sugar Company.* A representative of these companies testified that each company has one grower agreement which will continue unchanged for the 1974 crop. He recommended approval of the agreements.

*1974 price determination.* This determination continues the provisions of the 1973-crop determination. Tolling fees remain the same.

The request by the Hawaiian Sugar Planters Association for approval to use the "Disintegrator/Moisture" method of allocating sugar and molasses to producers was granted by the Department in a letter dated June 25, 1974 to the Association.

Consideration has been given to the recommendations and information submitted at the public hearing to the returns, costs, and profits of producing and processing sugarcane obtained by the Department by field survey for a prior crop and recast in terms of price and production conditions likely to prevail for the 1974 crop; and to other relevant data customarily considered in fair price determinations.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been thoroughly studied. Analysis of the comparative costs of producing and processing sugarcane indicates that changes occurring in the relationship of producing and processing costs have not been of sufficient magnitude to justify adjustments in the processing rates. It is believed that the processing rates provided in this determination will maintain an equitable sharing between producers and processors of total returns based on their sharing of total costs.

The recommendations by both producers and processors for changes in the rate of profit allowed on services furnished to producers by processors, or that profit be allowed only on materials furnished have again been reviewed. The Department continues to believe that the profit charge of five percent is adequate and reasonable and that the charge should continue to be allowed on labor and services as well as on materials used in producing, harvesting, or transporting the producers' sugarcane. Therefore, this provision is continued unchanged in the determination.

A recommendation made by the representatives of Puna growers for elimination of agency fees paid by the processor from the computation of the cost ratio has not been adopted. Such fees are compensation to the agency for services, such as technical, legal, accounting, and marketing, performed for the processor.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

*Effective date.* This determination shall become effective August 14, 1974, and is applicable to the 1974 crop of Hawaiian sugarcane.

Signed at Washington, D.C. on August 8, 1974.

GLENN A. WEIR,
*Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.74-18640 Filed 8-13-74;8:45 am]

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## CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Pear Regulation 4, Amdt. 1]

## PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

### Limitation of Shipments

This amended regulation, issued pursuant to the Marketing Agreement and Order No. 917 (7 CFR 917) requires all California Bartlett, Max-Red Bartlett, and Red Bartlett pears shipped in interstate commerce during the period August 20, 1974, through July 31, 1975, to grade at least U.S. Combination, with not less than 80 percent grading at least U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size as verified by 12-pound random samples which must contain not more than 43 pears. Containers of all pears, as defined in the marketing order, must be marked with the variety name or, if the variety is not known, the words "unknown variety."

The amended regulation is the same, other than the effective period thereof, as extant § 917.435 (Pear Regulation 4; 39 FR 24625) effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plumbs, and peaches grown in California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amended regulation was unanimously recommended by the Pear Commodity Committee established pursuant to said amended marketing agreement and order. The action is necessary to assure that the pears shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of July 17, 1974 (39 FR 26159), that the Department was giving consideration to a proposal to amend § 917.435 to extend the effective period thereof from August 20, 1974, through July 31, 1975. This notice allowed interested persons until July 31, 1974, to submit written data, views, or arguments for consideration relative to such proposed extension. No such material was received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Pear Commodity Committee, established under said marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the regulatory requirements are the same as those currently in effect; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

*Order.* The provisions of § 917.435(a) preceding subparagraph (1) thereof are hereby amended to read as follows:

§ 917.435 Pear Regulation 4.

*Order.* (a) During the period July 6, 1974, through July 31, 1975, no handler shall ship:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated, August 9, 1974, to become effective August 19, 1974.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Divison, Agricultural Marketing Service.*

[FR Doc.74–18696 Filed 8–13–74;8:45 am]

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[Pear Reg. 13]

## PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

### Regulation by Grades and Sizes

This regulation prescribes the grade and size requirements for the Beurre D'Anjou, Beurre Bosc, Winter Nelis, and Doyenne du Comice varieties of winter pears shipped from Oregon, Washington, and California, during the period August 15, 1974, through September 30, 1974.

*Findings.* (1) Pursuant to the amended marketing agreement and Order No. 927, as amended (7 CFR Part 927; 39 FR 26714), which regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Control Committee, established under the aforesaid marketing agreement and order, and other available information, it is hereby found that the regulation of certain specified varieties of winter pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This regulation is based upon an appraisal of the current and prospective crop and marketing conditions for winter pears. The committee estimates that 6.9 million boxes of winter pears will be packed under regulation as compared to 6.2 million boxes of such pears in 1973 and 4.5 million boxes in 1972. Shipments of winter pears from the production area are expected to begin on or about August 15, 1974. The grade and size requirements hereinafter provided are designed to prevent the handling, from August 15, through September 30, 1974, of any Beurre D'Anjou, Beurre Bosc, Doyenne du Comice, or Winter Nelis varieties of winter pears of lower grades and smaller sizes than hereinafter specified so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act.

In addition to the basic grade and size requirements specified for Beurre D'Anjou, Beurre Bosc, and Doyenne du Comice pears, the regulation permits the handling of such pears bearing limited damage from skin punctures, however, this reduction in market desirability would be offset by the requirement that any pears thus affected be of a specified higher grade and larger size.

The requirement that the core temperature of Beurre D'Anjou pears grown in the Oregon and Washington Districts and shipped prior to October 15, 1974, must have been lowered to 35° F. or less prior to shipment is designed to assure proper ripening of such pears.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 15, 1974. A reasonable determination as to supply of, and the demand for, winter pears must await the development of the crop thereof, and adequate information thereon was not available to the Control Committee until July 8, 1974, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulations of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about August 15, 1974; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 927.313 Pear Regulation 13.

*Order.* (a) During the period August 15, 1974, through September 30, 1974, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified.

(1) Beurre D'Anjou pears shall grade at least U.S. No. 1 and shall be not smaller than 180 size: *Provided,* That pears of such variety which grade at least U.S. No. 2 may be shipped if they are not smaller than 165 size: *Provided further,* That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size.

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to September 30, 1974, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 1 and shall be of a size not smaller than 195 size: *Provided,* That pears of such variety which grade at least U.S. No. 2 may be shipped if they are of a size not smaller than 180 size: *Provided further,* That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided,* That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of any variety of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60(a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. At the time of any such shipment the handler shall report to the committee, on forms supplied by the committee, the car or truck number and the destination of the shipment.

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and

Other Similar Varieties (7 CFR 51.1300–51.1323); "135 size," "165 size," "180 size," and "195 size" shall mean that the pears of such designated sizes will pack, in accordance with the sizing and packing specifications of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 9, 1974.

FLOYD F. HEDLUND,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.74–18642 Filed 8–13–74;8:45 am]

## CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

## PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

### Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 27689) concerning a proposed decrease in the supply plant shipping percentage for the month of August 1974. Interested persons were afforded an opportunity to file written, data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of August 1974 the supply plant shipping percentage of 30 percent set forth in § 1030.7(b)(4) shall be decreased to 20 percent and in § 1030.7(b)(7)(iii) the shipping requirement of 15 percent applicable to each plant in a unit of two or more plants shall be decreased to 10 percent.

Pursuant to the provisions of § 1030.7(b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Fourteen cooperative associations, which represent most of the producers supplying the Chicago Regional market, three proprietary handlers, and a trade association of processing plants in Wisconsin state that the supply plant shipping percentage should be decreased for August 1974 to prevent uneconomic shipments of milk. Most such cooperatives and plant operators urge that the amount of such decrease should be 10 percentage points for the basic 30 percent shipping requirement and 5 percentage points with respect to the 15 percent shipping requirement for any plant that is part of a supply plant unit.

In support of this temporary change such cooperatives and plant operators state that producer milk receipts are up and Class I sales are down, so that a smaller than normal percentage of the market's milk supply is needed at distributing plants to fulfill fluid milk requirements.

One handler who operates two distributing plants and three supply plants estimates that for August 1974 receipts of milk at its supply plants will be up 6 percent and its Class I sales will be off 5 percent compared to August 1973.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. A large proportion of the milk assembled at supply plants, however, is not needed at distributing plants since sales of fluid milk products amount to less than half of the market's milk supply in any month.

The proportion of supply plant milk shipped to distributing plants during the month of August has ranged between 36.7 and 41.2 percent the past four years. For the past few months Class I sales volume has been somewhat less than in corresponding months of prior years. In June 1974, for instance, Class I sales amounted to 236 million pounds compared to 260 million pounds in June 1973. Moreover, receipts of producer milk on the market increased in June 1974 compared to June 1973. June 1974 was the first month that milk receipts increased over the corresponding month the prior year since October 1972.

This recent development of lower Class I sales and higher receipts of producer milk indicates that a significantly lower proportion of supply plant milk will need to be shipped to distributing plants this August than in such month of prior years.

A reduction in the required shipments of supply plant milk during the month of August will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentages as specified hereinbefore for the month of August 1974 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during August 1974 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of August 1974.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby revised for August 1974.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: August 14, 1974.

Signed at Washington, D.C., on August 9, 1974.

H. L. FOREST,
*Director, Dairy Division.*

[FR Doc.74–18697 Filed 8–13–74;8:45 am]

[Milk Order No. 131]

## PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

### Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Arizona marketing area.

It is hereby found and determined that for the month of August 1974, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. Subparagraph (1) of § 1131.13(c) in its entirety.

*Statement of consideration.* This action will continue the suspension of certain provisions that provide that not more than eight days' production of any producer may be diverted to a nonpool plant from a pool plant during the month. The suspension, which was in effect since June, expired July 31, 1974 (39 FR 23048).

Continuation of the suspension was requested by the cooperative association that supplies the market with most of the milk needed for fluid use, and handles the bulk of reserve supply for the market. The basis for the request is that the same conditions prevail now, and are expected to prevail through August 1974, that prompted the initial request. An increase in milk production over last year, coupled with a prospective decline in Class I sales will make it necessary for the cooperative association to receive and manufacture more milk at its plant in August than had reasonably been anticipated. Unless the suspension is continued, a substantial quantity of producer milk that has been associated with the fluid milk needs of the market would lose pool status. This could only

contribute to disorderly marketing conditions for the Central Arizona area.

It is concluded that the suspension provided herein for the month of August 1974 will assure the continued orderly disposition of milk for the market.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) The suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) An identical suspension was in effect since June 1974 but expired July 31, 1974. This action is necessary to assure that relatively heavy supplies of reserve milk will continue to be marketed in an orderly manner.

Therefore, good cause exists for making this order effective August 14, 1974.

*It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for the month of August 1974.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: August 14, 1974.

Signed at Washington, D.C., on: August 8, 1974.

RICHARD L. FELTNER,
*Assistant Secretary.*

[FR Doc.74-18641 Filed 8-13-74;8:45 am]

## Title 9—Animals and Animal Products

## CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

### PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

### Commuted Traveltime Allowances

On January 26, 1973, 9 CFR 97.2 was amended (38 FR 2442) to add Sheboygan Falls, Wisconsin (when served from Milwaukee and Ripon, Wisconsin) as four hours outside metropolitan area. The commuted traveltime allowance for this designation was previously six hours outside metropolitan area and was inadvertently not removed, therefore, the purpose of this amendment is to delete Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wisconsin) from the six hours outside metropolitan area category.

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), and June 25, 1974 (39 FR 22942), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by deleting from the respective list as follows:

§ 97.2 [Amended]

OUTSIDE METROPOLITAN AREA

SIX HOURS

1. Delete Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wisconsin).

(64 Stat. 561; 7 U.S.C. 2260.)

*Effective date.* The foregoing amendment shall become effective August 14, 1974.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective on or before September 13, 1974.

Done at Washington, D.C., this 9th day of August 1974.

F. W. HANSEN, Jr.
*Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.74-18700 Filed 8-13-74;8:45 am]

## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13953; Amdt. No. 929]

### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

### Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective September 26, 1794.*

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., VOR/DME Rwy 15R, Amdt. 3
Baltimore, Md.—Baltimore Washington Int'l. Arpt., VOR/DME Rwy 22, Amdt. 2
Baltimore, Md.—Baltimore Washington Int'l. Arpt., VOR Rwy 10, Amdt. 9
Baltimore, Md.—Baltimore Washington Int'l. Arpt., VOR Rwy 28, Amdt 13
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., VOR Rwy 8, Amdt. 11
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., VOR Rwy 26, Amdt. 6
Lincoln, Ill.—Logan County Arpt., VOR Rwy 3, Orig.
Lincoln, Ill.—Logan County Arpt., VOR/DME Rwy 3, Amdt 3, canceled
Los Angeles, Calif.—Los Angeles Int'l. Arpt., VOR Rwy 7L/R, Amdt. 10
Muscle Shoals, Ala.—Muscle Shoals Arpt., VOR Rwy 29, Amdt. 22
Newport, R.I.—Newport State Arpt., VOR/DME Rwy 16, Orig.
Newport, R.I.—Newport State Arpt., VOR Rwy 16, Orig.
Rapid City, S.D.—Rapid City Regional Arpt., VORTAC Rwy 14, Amdt. 8
Rapid City, S.D.—Rapid City Regional Arpt., VOR Rwy 32, Amdt. 17

* * * *effective August 15, 1974*

Honolulu, Hawaii—Honolulu Intl. Arpt., VOR Rwy 8 (TAC), Amdt. 9

* * * *effective August 6, 1974*

Westland, Mich.—National Arpt., VOR-A, Amdt. 2

* * * *effective August 2, 1974*

Fresno, Calif.—Fresno Air Terminal, VOR Rwy 11L, Amdt. 6

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective September 26, 1974.*

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., LOC (BC) Rwy 33L, Amdt. 2
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., LOC (BC) Rwy 26, Amdt. 1
Jacksonville, Fla.—Jacksonville Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 2, canceled
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC (BC) Rwy 6L, Amdt. 5
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC (BC) Rwy 7R, Amdt. 9

Rapid City, S.D.—Rapid City Regional Arpt., LOC (BC) Rwy 14, Amdt. 5
San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 4
San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC Rwy 10, Orig.

* * * *effective September 19, 1974*

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., LOC (BC) Rwy 27B, Amdt. 5

* * * *effective September 12, 1974*

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC Rwy 4L, Amdt. 9

* * * *effective September 5, 1974*

Salt Lake City, Utah—Salt Lake City Int'l. Arpt., LOC (BC) Rwy 16R, Amdt. 11, canceled

* * * *effective August 29, 1974*

Albany, N.Y.—Albany County Arpt., LOC (BC) Rwy 1, Amdt. 3, canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF CIAPs, *effective September 26, 1974.*

Aiken, S.C.—Aiken Municipal Arpt., NDB-A, Amdt. 2
Arlington, Tenn.—Arlington Municipal Arpt., NDB Rwy 15, Amdt. 1
Arlington, Tenn.—Arlington Municipal Arpt., NDB Rwy 33, Amdt. 1
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., NDB Rwy 8, Amdt. 4
Cincinnati, Ohio—Cincinnati Muni Arpt. Lunken Field, NDB Rwy 20L, Amdt. 5
Jacksonville, Fla.—Jacksonville Int'l. Arpt., NDB Rwy 7, Amdt. 4
Los Angeles, Calif.—Los Angeles Int'l. Arpt., NDB Rwy 25L, Amdt. 37
Louisville, Ky.—Bowman Field, NDB Rwy 32, Amdt. 8

* * * *effective September 19, 1974*

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., NDB Rwy 9L, Amdt. 12

* * * *effective September 12, 1974*

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 4L, Amdt. 8

* * * *effective September 5, 1974*

Salt Lake City, Utah—Salt Lake City Int'l. Arpt., NDB Rwy 34L, Amdt. 6, canceled

* * * *effective August 29, 1974*

Jacksboro, Tenn.—Campbell County Arpt., NDB Rwy 23, Orig.

* * * *effective August 22, 1974*

Watertown, S.D.—Watertown Municipal Arpt., NDB Rwy 35, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective September 26, 1974.*

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., ILS Rwy 10, Amdt. 4
Baltimore, Md.—Baltimore-Washington Int'l. Arpt., ILS Rwy 15R, Amdt. 6
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., ILS Rwy 8, Amdt. 8
Cincinnati, Ohio—Cincinnati Muni Arpt. Lunken Field, ILS Rwy 20L, Amdt. 6
Jacksonville, Fla.—Jacksonville Int'l. Arpt., ILS Rwy 7, Amdt. 4
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 6R, Amdt. 3
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 7L, Amdt. 10
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 24L/R, Amdt. 6
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 25L/R, Amdt. 8
Rapid City, S.D.—Rapid City Regional Arpt., ILS Rwy 32, Amdt. 7

* * * *effective September 19, 1974*

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., ILS Rwy 9L, Amdt. 14

* * * *effective September 5, 1974*

Salt Lake City, Utah—Salt Lake City Int'l. Arpt., ILS Rwy 34L, Amdt. 20

* * * *effective August 29, 1974*

Albany, N.Y.—Albany County Arpt., ILS Rwy 1, Orig.

* * * *effective August 22, 1974*

Watertown, S.D.—Watertown Municipal Arpt., ILS Rwy 35, Amdt. 2

5. Section 97.31 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective September 26, 1974.*

Baltimore, Md.—Baltimore-Washington Int'l. Arpt., RADAR-1, Amdt. 5
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RADAR-1, Orig.

* * * *effective September 19, 1974*

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., RADAR-1, Amdt. 3

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective September 26, 1974.*

Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 13, Orig.
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 26, Amdt. 1
Cedar Rapids, Iowa—Cedar Rapids Municipal Arpt., RNAV Rwy 31, Orig.
Dubuque, Iowa—Dubuque Municipal Arpt., RNAV Rwy 36, Orig.
Goodland, Kans.—Renner Field (Goodland Municipal Arpt.), RNAV Rwy 12, Orig.

* * * *effective September 19, 1974*

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., RNAV Rwy 13, Amdt. 1

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on August 8, 1974.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.74-18606 Filed 8-13-74;8:45 am]

## Title 19—Customs Duties

## CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-218]

## PART 159—LIQUIDATION OF DUTIES

### Tomato Products From Greece; Correction

Treasury Decision 74-65, published in the FEDERAL REGISTER on February 20, 1974 (39 FR 6516), gave notice of the imposition of countervailing duties on tomato products from Greece.

At the beginning of the document as it appears in the FEDERAL REGISTER, the reference, "Part 16", is corrected to read "Part 159". In addition, the first sentence of the last paragraph is corrected to read as follows: "The table in § 159.47(f) of the Customs Regulations is amended by inserting after the line reading 'Greece-Tomato products', the number of this Treasury Decision (74-65), under the number 72-88 in the column headed 'Treasury Decision' and the words 'Declared Rates' under the words 'Bounty Declared—Rate' in the column headed 'Action'".

[SEAL] VERNON D. ACREE,
*Commissioner of Customs.*

Approved: August 8, 1974.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.74-18564 Filed 8-13-74;8:45 am]

## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

### SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

## PART 630—PRECONSTRUCTION PROCEDURES

### Subpart F—Federal Participation in Cost of Disposal of Existing Highway Bridges

Chapter I of Title 23, Code of Federal Regulations is amended by adding a new Subpart F, Part 630 as set forth below. Subparts A, B, C, D, and E of Part 630 are reserved for future issuances. Subpart F codifies policies and procedures contained in the Federal Highway Administration's Policy and Procedure Memorandum 21-14.2.

In that this material relates to a grant-in-aid program, provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

These regulations are issued under the authority of 23 U.S.C. 315 and the delegation of authority in 49 CFR 1.48(b).

Effective date: August 6, 1974.

Issued in Washington, D.C., on August 6, 1974.

NORBERT T. TIEMANN,
*Federal Highway Administrator.*

Part 630 of Title 23 is amended by adding a new Subpart F as follows:

Sec.
630.601 Purpose.
630.602 Definitions.
630.603 Policy.
630.604 Application.
630.605 Material Assigned to Contractor.
630.606 Material Retained by State.

AUTHORITY: (23 U.S.C. 315), 49 CFR 1.48(b).

§ 630.601. Purpose.

To prescribe the policies and procedures governing the extent of Federal-aid participation in the cost of the disposal of existing highway bridges.

§ 630.602. Definitions.

(a) The term "Division Engineer" means the Chief Federal Highway Administration official assigned to conduct Federal Highway Administration business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) The term "contractor" means the highway construction contractor who is party to the highway contract.

§ 630.603. Policy.

When it is determined by a State highway department and approved by the Federal Highway Administration Division Engineer that a Federal-aid project is to include the disposal of an existing highway bridge, the manner of such disposal is to be set forth in the specifications and the bid schedule is to include one or more separate pay items for the related work. There may be Federal-aid participation in the costs of the separate pay item or items as outlined in §§ 630.604 or 630.605.

§ 630.604. Applications.

The policies and procedures prescribed herein apply to all Federal-aid highway projects except projects constructed under the Secondary Road Plan.

§ 630.605. Material Assigned to Contractor.

When the contractor is assigned the materials of an existing bridge and the responsibility for their disposal, there may be Federal-aid participation in the costs of the work as determined by the prices bid by the contractor.

§ 630.606. Material Retained by State.

When the State highway department retains ownership of the materials of an existing bridge for either sale or future reuse, there may be Federal-aid participation in the costs of dismantling less the value of salvaged materials, to be determined as follows:

(a) The Division Engineer and the State shall agree as to the credit the State is willing to give the project as the value of the bridge material dismantled at the site of the project. This agreement shall be reached before the project is advertised for bids.

(b) The invitation to bid shall include an item for dismantling the structure and setting aside for the State's use the material for which a value was determined as stated in paragraph (a) of this section.

[FR Doc.74-18625 Filed 8-13-74;8:45 am]

## PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

### Subpart D—Special Bridge Replacement Program

RETITLING OF PART 650 AND ADOPTION OF NEW POLICIES AND PROCEDURES

The Federal Highway Administration is amending Part 650, Subchapter G, Chapter I of Title 23 CFR by retitling Part 650 and by adding a new Subpart D to Part 650. The purpose of the new subpart is to prescribe the policies and procedures that the Federal Highway Administration will follow in administering the Special Bridge Replacement Program established by 23 U.S.C. 144. The subpart specifies the manner in which, and the conditions upon which, States may apply for, and secure, Federal-aid funds for the replacement of deficient bridges on the Federal-aid highway systems.

In consideration of the foregoing, Subchapter G of Chapter I in Title 23, CFR is amended by changing the title of Part 650 to read "Bridges, Structures, and Hydraulics" and by adding to Part 650 a new Subpart D, reading as set forth below.

Since these amendments involve the administration of a program of public grants-in-aid, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

These amendments are issued under the authority of 23 U.S.C. 144 and 315, and the delegation of authority at 49 CFR 1.48.

Issued on August 7, 1974.

NORBERT T. TIEMANN,
*Federal Highway Administrator.*

1. Title 23 is amended by revising the heading for Part 650 to read as set forth above:

2. Part 650 is amended by adding new Subpart D as follows:

Sec.



AUTHORITY: 23 U.S.C. 144 and 315, and delegation of authority at 49 CFR 1.48.

§ 650.401 Scope and purpose.

(a) *Scope.* The rules in this subpart prescribe policies and outline procedures followed in administering the Special Bridge Replacement Program.

(b) *Purpose.* The purpose of the Special Bridge Replacement Program is to implement 23 U.S.C. 144. In 23 U.S.C. 144, Congress found it in the national interest to initiate a program enabling the States to replace important bridges over waterways and other topographical barriers when those bridges have become unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

§ 650.402 Definition of terms.

As used in this subpart—

(a) "Bridge" means a structure, including supports, erected over a depression or an obstruction, such as water, a highway, or a railway, having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of the openings for multiple boxes; it may include multiple pipes where the clear distance between openings is less than half of the smaller contiguous opening.

(b) "Sufficiency rating" is the numerical rating of a bridge based on its structural adequacy, safety, serviceability, essentiality for public use, and age.

(c) "Topographical barrier" includes, but is not limited to, geographical features such as ravines, gorges, sloughs, valleys and railroad tracks.

(d) "Waterway" includes, but is not limited to, oceans, gulfs, bays, rivers, streams, creeks, canals, lakes, ponds, swamps, and flood plains.

§ 650.403 Eligible projects.

(a) *General.* Bridges which span waterways and other topographical barriers and are on any of the Federal-aid highway systems are eligible for replacement under the Special Bridge Replacement Program. The replacement structure must meet the current geometric and construction standards required for the type and volume of traffic which the facility will carry over its design life.

(b) *Types of Projects Which are Eligible.* The following types of work are eligible for participation in the Special Bridge Replacement Program:

(1) *Total replacement.* Total replacement of a structurally inadequate or functionally obsolete bridge at or very close to its existing location.

(2) *Complete relocation.* Complete relocation of a structurally inadequate or functionally obsolete bridge with a new facility constructed in the same general traffic corridor. A nominal amount of approaches, sufficient to connect the new facility to the existing roadway or to return the gradeline to an attainable touchdown point in accordance with good design practice, is also eligible.

(3) *Partial replacement.* When the substructure of a bridge is structurally adequate to safely support a new superstructure conforming to current geometric and structural standards, the necessary substructure modifications and the superstructure construction are eligible for Federal-aid participation under the Special Bridge Replacement Program.

(c) *Ineligible Work.* Except as otherwise prescribed by the Administrator, the following costs are not eligible under the Special Bridge Replacement Program:

(1) Costs of right-of-way, utility relocation or adjustments, or extended approaches.

(2) Costs of long approach fills, causeways, connecting roadways, interchanges, ramps, and other extensive earth structures, when constructed beyond the attainable touchdown point. However, Federal-aid highway funds authorized for other programs may participate in those costs.

§ 650.404 Application for bridge replacement.

(a) A State participates in the Special Bridge Replacement Program by submitting applications for replacement of all deficient bridges located in that State that it desires to have considered as candidates for replacement under the program. Applications are submitted to

the Division Engineer of the Federal Highway Administration. If a deficient bridge eligible for replacement is owned by a city, a county, or any other units of local government and the local government desires to replace the bridge, the State may submit an application for replacement of that bridge on behalf of the local government. An application must include a completed Structure Inventory and Appraisal Sheet pertaining to the bridge. Completion of a Structure Inventory and Appraisal Sheet for a bridge is prescribed in §§ 650.309 and 650.311 of the National Bridge Inspection Standards, §§ 650.309, 650.311.

(b) At any time after it has submitted its initial applications, a State may apply for replacement of additional deficient bridges by submitting an application pertaining to each such bridge in accordance with this section.

(c) Revised data relating to bridges which a State has designated as candidates for replacement shall be submitted at such times as the Federal Highway Administration may request.

§ 650.405 Evaluation and disposition of applications.

(a) *Sufficiency rating of candidate bridges.* Upon receipt and evaluation of applications, the Federal Highway Administration will assign a sufficiency rating to each bridge. The sufficiency rating will be used as a basis for establishing priority for replacement of bridges. The rating decreases in accordance with the following schedule:

| | |
|---|---|
| (1) Structural adequacy and safety | 0–50 |
| (2) Serviceability and functional obsolescence | 0–25 |
| (3) Essentiality for public use | 0–20 |
| (4) Age | 0–5 |

The lower the rating, the higher the priority for replacement.

(b) *Selection of bridges for inclusion in State program.* After evaluation of applications and assignment of sufficiency ratings, the Federal Highway Administration will provide the State with a selection list of bridges within the State that have the highest priority for replacement. From that list or from previously furnished selection lists, the State may select bridge replacement projects for implementation.

§ 650.406 Procedures for bridge replacement projects.

(a) *Submission and approval of projects.* When a State has made its selection of bridges to be replaced, it shall prepare and submit the program documents to the Division Engineer in accordance with usual procedures relating to Federal-aid highway programs. The Federal Highway Administration will review the program documents and will advise the State when a project is approved or conditionally approved.

(b) *Completion of Projects.* (1) Each approved project will be designed, constructed, inspected for acceptance, and maintained in the same manner as other Federal-aid projects on the system on which the project is located.

(2) Whenever a deficient bridge is replaced by a new bridge under the Special Bridge Replacement Program the deficient bridge shall be closed to vehicular traffic at the earliest date possible following the opening of the replacement bridge.

§ 650.407 Funding.

(a) Funds authorized for carrying out the Special Bridge Replacement Program are available for obligation at the beginning of the fiscal year for which authorized and remain available until expended. Under 23 U.S.C. 144 the funds are allocated to the States on the basis of comparative bridge replacement needs. Funds allocated to a State and not obligated within a reasonable period by that State may, after appropriate notification, be withdrawn for redistribution to other States.

(b) Obligation of funds is subject to obligation control procedures in effect at the time of obligation.

(c) The Federal share payable on account of any project carried out under 23 U.S.C. 144 shall not exceed 75 percent of the eligible cost thereof.

§ 650.408 Reporting.

Under 23 U.S.C. 144, the Secretary reports annually to the Congress on projects approved under the Special Bridge Replacement Program together with any recommendations he may have for further improvements in the program.

[FR Doc.74-18627 Filed 8-13-74;8:45 am]

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## Title 38—Pensions, Bonuses, and Veterans' Relief

## CHAPTER I—VETERANS ADMINISTRATION

## PART 1—GENERAL PROVISIONS

### Rules of the Contract Appeals Board; Optional Accelerated Procedure

On page 24380 of the FEDERAL REGISTER of July 2, 1974, there was published a notice of proposed regulatory development to revise § 1.774(1) (Rule 12) to liberalize the rules of the Veterans Administration Contract Appeals Board with respect to optional accelerated procedure for small claims. The amendment increases the amount of a claim eligible for accelerated consideration from $10,000 to $25,000 and modifies the procedure to enable the Board to expedite final disposition of appeals in cases subject to the optional expedited procedure. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

*Effective date.* This VA regulation is effective August 8, 1974.

Approved: August 8, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
*Deputy Administrator.*

In § 1.774, paragraph (1) is amended to read as follows:

§ 1.774 Rules of the Board.

* * * * *

(1) *Rule 12; optional accelerated procedure*—(i) *Application.* Where the amount actually in dispute, or the dollar value of the relief sought, is $25,000 or less, either party may elect, by Notice of Appeal, Complaint, Answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal considered and decided under this paragraph. For application of this paragraph, the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this paragraph if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this paragraph unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman or a designated Reviewing Member, sustains such objection.

(2) *Procedure.* In cases proceeding under this paragraph, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery and briefs, and to cooperate in eliminating time lapses in presentations and responses thereto. Hearings, where required, will be conducted by a single Hearing Member, and will be advanced on the hearing calendar of the Board to the greatest extent possible.

(3) *Decisions.* (i) Written decision by the Board in cases proceeding under this paragraph normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman or a designated Reviewing Member. In the event agreement cannot be reached, an additional Reviewing Member will be assigned to the panel, and the decision of the majority of the members of the panel shall constitute the final decision of the Board.

(ii) In cases involving $5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. The Board will subsequently issue an order confirming such oral decision for the record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under paragraph (cc) of this section (Rule 29) commences.

(4) *Scope.* Except as herein modified, the rules in this section otherwise apply in all respects.

* * * * *

[FR Doc.74-18650 Filed 8-13-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-330]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Illinois | Du Page | Wheaton, city of | Aug. 5, 1974. Emergency | Apr. 5, 1974 | | |
| Do | Lake | Round Lake Heights, village of. | do | Mar. 29, 1974 | | |
| Do | Will | Crest Hill, city of | do | do | | |
| Kansas | Pawnee | Larned, city of | do | Feb. 1, 1974 | | |
| Louisiana | Sabine Parish | Many, town of | do | Apr. 5, 1974 | | |
| Mississippi | Holmes | Lexington, city of | do | Jan. 16, 1974 | | |
| New Jersey | Salem | Pennsville, township of | do | | | |
| New York | Orange | Warwick, town of | do | May 31, 1974 | | |
| North Carolina | Guilford | High Point, city of | do | June 28, 1974 | | |
| Ohio | Guyahoga | South Euclid, city of | do | Mar. 22, 1974 | | |
| Oklahoma | Tulsa | Sand Springs, city of | do | | | |
| Oregon | Jackson | Gold Hill, city of | do | Jan. 9, 1974 | | |
| Do | Klamath | Klamath Falls, city of | do | June 28, 1974 | | |
| Do | Yamhill | Newberg, city of | do | June 14, 1974 | | |
| Pennsylvania | Allegheny | Edgeworth, borough of | do | Mar. 15, 1974 | | |
| Do | Lancaster | West Cocalico, township of | do | | | |
| South Dakota | Jerauld | Wessington Springs, city of | do | | | |
| Texas | Atascosa | Unincorporated areas | do | | | |
| Do | Smith | Tyler, city of | do | | | |
| Do | Young | Olney, city of | do | Apr. 12, 1974 | | |
| Washington | Klickitat | Goldendale, city of | do | May 24, 1974 | | |
| Do | Walla Walla | Walla Walla, city of | do | May 31, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: July 29, 1974.

RICHARD W. KRIMM,
*Acting Federal Insurance Administrator.*

[FR Doc.74-18515 Filed 8-13-74;8:45 am]

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[Docket No. FI-331]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

### Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

| State | County | Location | Effective date of authorization of sale of flood insurance for area | Hazard area identified | State map repository | Local map repository |
|---|---|---|---|---|---|---|
| Iowa | Scott | LeClaire, city of | Aug. 8, 1974. Emergency | Dec. 17, 1973 | | |
| Missouri | Franklin | Sullivan, city of | do | Mar. 29, 1974 | | |
| Virginia | Dickenson | Unincorporated areas | do | | | |
| Do | Fairfax | Vienna, town of | do | Aug. 2, 1974 | | |

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 1, 1974.

GEORGE K. BERNSTEIN,
*Federal Insurance Administrator.*

[FR Doc.74-18514 Filed 8-13-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 250-2]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Approval of Plan Revision for State of Connecticut; Correction

In FR Doc. 74-8639 appearing on page 13651 of the issue for Tuesday, April 16, 1974, the amended table § 52.375 was incorrectly numbered, and is changed to read § 52.381.

Dated: August 8, 1974.

ROGER STRELOW,
*Acting Assistant Administrator for Air and Waste Management.*

[FR Doc.74-18613 Filed 8-13-74;8:45 am]

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[FRL 250-3]

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

### Massachusetts and Rhode Island; Correction

In FR Doc. 73-14479 appearing on page 18878 of the issue for Monday, July 16, 1973, Subpart 00 on pages 18879 and 18880 was amended by adding §§ 52.2077 and 52.2078 and 52.2079. These sections were incorrectly numbered and are changed to read §§ 52.2078, 52.2079, and 52.2080.

Dated: August 8, 1974.

ROGER STRELOW,
*Acting Assistant Administrator for Air and Waste Management.*

[FR Doc.74-18614 Filed 8-13-74;8:45 am]

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[FRL 249-6]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Ethyl 3-Methyl-4-(Methylthio)Phenyl (1-Methylethyl)Phosphoramidate

In response to a petition (PP 4E1458) submitted by Chemagro Division of Baychem Corp., P.O. Box 4913, Kansas City, MO 64120, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of May 28, 1974 (39 FR 18470), proposing establishment of a tolerance for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl(1 - methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on bananas at 0.1 part per million and that the nematocide should be listed with the cholinesterase-inhibiting pesticides in § 180.3(e) (5). No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805). Part 180 is amended as follows:

1. In § 180.3(e)(5), by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances of related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinestearse-inhibiting metabolites.

* * * * *

2. In Subpart C, by adding the following new section:

§ 180.349 Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate; tolerance for residues.

A tolerance of 0.1 part per million is established for combined residues of the nematocide ethyl 3-methyl-4-(methylthio) phenyl (1-methylethyl) phosphoramidate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodity bananas.

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective August 14, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: August 7, 1974.

HENRY J. KORP,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.74-18609 Filed 8-13-74;8:45 am]

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[FRL 249-7]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Captafol

A petition (PP 3F1412) was filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide captafol (*cis-N*-[(1,1,2,2,-tetrachloroethyl) thiol-4-cyclohexene-1,2-dicarboximide) in or on the raw agricultural commodity fresh corn including sweet corn (kernels plus cob with husk removed) at 5 parts per million.

Subsequently, the petitioner amended the petition by decreasing the proposed tolerance from 5 parts per million to 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

3. The tolerance established by this order will protect the public health.

4. Captafol is the approved common name for the fungicide; the existing regulation (§ 180.267) should be revised accordingly, to reflect this fact.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.267 is amended by revising the heading, the introductory paragraph, and the paragraph "0.1 part per million * * *" to read as follows:

§ 180.267 Captafol; tolerances for residues.

Tolerances are established for residues of the fungicide captafol (*cis-N*-[(1,1,2,2 - tetrachloroethyl) thio] - 4 - cyclohexene-1,2-dicarboximide) in or on raw agricultural commodities as follows:

* * * * *

0.1 part per million (negligible residue) in or on fresh corn including sweet corn (kernels plus cob with husk removed), macadamia nuts, onions, and pineapples.

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify tthe relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date*: This order shall become effective August 14, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: August 7, 1974.

HENRY J. KORP,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.74-18610 Filed 8-13-74;8:45 am]

[FRL 249-8]

## PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Chlorpyrifos

A petition (PP 4F1445) was filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide chlorpyrifos (*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities lima bean forage and snap bean forage at 0.2 part per million, fresh corn including sweet corn (kernels plus cob with husk removed) and corn fodder and forage at 0.1 part per million (negligible residue), and lima beans and snap beans at 0.05 part per million (negligible residue).

Subsequently, the petitioner amended the petition by increasing the tolerance for residues in or on lima bean forage and snap bean forage from 0.2 to 1 part per million and by proposing tolerances for residues in milk fat at 0.25 part per million (reflecting negligible residues of 0.01 part per million in whole milk) and in the meat, fat, and meat byproducts of goats, hogs, horses, and sheep at 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in poultry and eggs, and § 180.6(a)(3) applies.

3. The proposed and established tolerances for residues in milk and the fat, meat, and meat byproducts of livestock are adequate to cover residues resulting from the proposed and established uses, and § 180.6(a)(2) applies.

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.342 is amended by adding the new paragraphs "1 part per million * * *", "0.25 part per million in milk fat * * *", and "0.1 part per million (negligible residue) in meat * * *" and by revising the paragraphs "0.1 part per million (negligible residue) in or on field corn * * *" and "0.05 part per million * * *", as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

1 part per million in or on lima bean forage and snap bean forage.

* * * * *

0.25 part per million in milk fat (reflecting negligible residues of 0.01 part per million in whole milk).

0.1 part per million (negligible residue) in or on field corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), and corn fodder and forage.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of goats, hogs, horses, and sheep.

0.05 part per million (negligible residue) in or on lima beans, peaches, and snap beans.

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on August 14, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: August 7, 1974.

HENRY J. KORP,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.74-18611 Filed 8-13-74;8:45 am]

## Title 12—Banks and Banking

### CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

### SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

### PART 332—POWERS INCONSISTENT WITH PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW

### Letters of Credit Issued in the Usual Course of Business

1. The Board of Directors of the Federal Deposit Insurance Corporation has decided to amend § 332.1 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 332.1). The amendment will allow any insured State nonmember bank to issue letters of credit in the usual course of its banking business without regard to the limitations prescribed by that section.

2. Section 332.1 is amended to read as follows:

§ 332.1 Inconsistent powers.

A State nonmember insured bank (except a District bank) which does not have any of the powers hereinafter enumerated, or which, although it has any such power, does not exercise the same, shall not hereafter exercise, take, or assume the power: (a) To do a surety business; (b) to insure the fidelity of others; (c) to engage in insuring, guaranteeing or certifying titles to real estate; or (d) to guarantee or become surety upon the obligations of others.[1]

(Secs. 6, 9; 64 Stat. 876, 881-82; (12 U.S.C. 1816, 1819))

3. The requirements of sections 553 (b) and (d) of Title 5, United States Code, and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because it relieves an existing restriction and the Board found that notice and public procedure with respect thereto would be unnecessary and contrary to the public interest.

4. *Effective Date.* The effective date of the amendment is September 15, 1974.

By order of the Board of Directors, August 6, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
*Executive Secretary.*

[FR Doc.74-18704 Filed 8-13-74;8:45 am]

### PART 337—UNSAFE AND UNSOUND BANKING PRACTICES

### Restrictions and Disclosure Requirements Applicable to Standby Letters of Credit

1. On January 22, 1974 the Federal Deposit Insurance Corporation (the "FDIC") published a notice of proposed rulemaking pursuant to section 9 [Tenth] of the Federal Deposit Insurance Act, 12 U.S.C. 1819 [Tenth], (39 FR 2494-95). The proposed regulation would add a new Part 337, dealing with unsafe and unsound banking practices, to Title 12 of the Code of Federal Regulations. The immediate purpose of the proposal was to establish guidelines for certain letter of credit practices which were deemed likely to have adverse effects on the safety and soundness of insured State nonmember banks or which were likely to result in violations of law, rule, or regulation. The period for public comment on the proposal ended on March 15, 1974.

[1] The limitations prescribed in § 332.1(d) do not include acceptances, endorsements, or letters of credit made or issued in the usual course of the banking business.

After considering the views and arguments of those persons who commented on the proposed Part 337, the Board of Directors of the FDIC (the "Board") has decided upon its adoption with certain modifications:

(a) The regulation will apply only to "standby letters of credit" as that term is defined in § 337.2(a). The definition includes any letter of credit which represents an obligation to the beneficiary on the part of the issuing bank to either (1) repay money borrowed by or advanced to the account party, or (2) make payment on account of any indebtedness undertaken by the account party, or (3) make payment on account of any default by the account party in the performance of an obligation. By more precisely defining the links of letters of credit subject to lending limits and disclosure requirements, the Board believes it has met the objections of those who felt that the proposal was ambiguous and overly broad. Thus the footnote to § 337.2(a) specifically states that commercial letters of credit and similar instruments under which the issuer expects the beneficiary to draw upon it, which do not "guaranty" payment of a money obligation of the account party and which do not provide that payment is occasioned by default on the part of the account party, will not come within the definition of a "standby letter of credit".

(b) The limitation on the issuance of standby letters of credit which is set forth in § 337.2(b) has been expressly confined to those standby letters of credit which are not otherwise subject to a separate limitation. Accordingly, in those states which have separate limitations for letters of credit, the separate limitation will apply in lieu of the loan limitation. The same thing would be true with regard to the creation of those arrangements which are similar to a standby letter of credit as defined in § 337.2(a). This is intended to satisfy the objections of those who pointed out that in states with a separate limitation on letters of credit or acceptances, the proposal might well have imposed a stricter standard than that established by the state.

(c) A footnote has been added to § 337.2(b) in order to clarify its application to letter of credit participations involving two or more banks. Where the standby letter of credit is subject to a nonrecourse participation agreement, § 337.2(b) applies to the participants in the same manner as in the case of a participated loan.

(d) There is no longer any exemption in what is now § 337.2(c) (formerly § 337.2(b) of the proposal) for letters of credit issued to facilitate the purchase and sale of goods. After considering the comments of those who suggested that letters of credit issued to facilitate similar kinds of transactions should also be exempt, the Board concluded that the sounder approach, as mentioned previously, would be to narrow the scope of the regulation by limiting it to standby letters of credit as defined in § 337.2(a). However, the Board has added an exemption for standby letters of credit where prior to or at the time of issuance, the issuing bank has set aside funds in a segregated deposit account, clearly earmarked for that purpose, to cover the bank's maximum liability under the standby letter of credit (§ 337.2(c)(2)).

2. Chapter III of Title 12 of the Code of Federal Regulations is amended by adding a new Part 337 which reads as follows:

Sec.
337.1 Scope.
337.2 Standby Letters of Credit.
337.3–337.9 [Reserved]
337.10 Waiver.
337.11 Effect on Other Banking Practices.

AUTHORITY: Sec. 9, 64 Stat. 881–882, (12 U.S.C. 1819).

### § 337.1 Scope.

The provisions of this Part apply to certain banking practices which are likely to have adverse effects on the safety and soundness of insured State nonmember banks or which are likely to result in violations of law, rule, or regulation.

### § 337.2 Standby Letters of Credit.

(a) *Definition.* As used in this § 337.2, the term "standby letter of credit" means any letter of credit, or similar arrangement however named or described, which represents an obligation to the beneficiary on the part of the issuer (1) to repay money borrowed by or advanced to or for the account of the account party, or (2) to make payment on account of any indebtedness undertaken by the account party, or (3) to make payment on account of any default (including any statement of default) by the account party in the performance of an obligation.[1] The term "similar arrangement" includes the creation of an acceptance or similar undertaking.

(b) *Restriction.* A standby letter of credit issued by an insured State nonmember bank shall be combined with all other standby letters of credit and all loans for purposes of applying any legal limitation on loans of the bank (including limitations on loans to any one borrower, on loans to affiliates of the bank, or on aggregate loans); *Provided, however,* That if such standby letter of credit is subject to separate limitation under applicable State or federal law, then the separate limitation shall apply in lieu of the loan limitation.[2]

[1] As defined in this paragraph (a), the term "standby letter of credit" would not include commercial letters of credit and similar instruments where the issuing bank expects the beneficiary to draw upon the issuer, which do not "guaranty" payment of a money obligation of the account party and which do not provide that payment is occasioned by default on the part of the account party.

[2] Where the standby letter of credit is subject to a non-recourse participation agreement with another bank or other banks, this section shall apply to the issuer and each participant in the same manner as in the case of a participated loan.

(c) *Exceptions.* All standby letters of credit shall be subject to the provisions of paragraph (b) of this section except where:

(1) Prior to or at the time of issuance, the issuing bank is paid an amount equal to the bank's maximum liability under the standby letter of credit; or,

(2) Prior to or at the time of issuance, the issuing bank has set aside sufficient funds in a segregated deposit account, clearly earmarked for that purpose, to cover the bank's maximum liability under the standby letter of credit.

(d) *Disclosure.* Each insured State nonmember bank must maintain adequate control and subsidiary records of its standby letters of credit comparable to the records maintained in connection with the bank's direct loans so that at all times the bank's potential liability thereunder and the bank's compliance with this section 337.2 may be readily determined. In addition, all such standby letters of credit must be adequately reflected on the bank's published financial statements.

### §§ 337.3—337.9 [Reserved]

### § 337.10 Waiver.

An insured State nonmember bank has the right to petition the Board of Directors of the Corporation for a waiver of this Part or any subpart thereof with respect to any particular transaction or series of similar transactions. A waiver may be granted at the discretion of the Board upon a showing of good cause. All such petitions should be filed with the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

### § 337.11 Effect on Other Banking Practices.

Nothing in this Part shall be construed as restricting in any manner the Corporation's authority to deal with any banking practice which is deemed to be unsafe or unsound or otherwise not in accordance with law, rule, or regulation; or which violates any condition imposed in writing by the Corporation in connection with the granting of any application or other request by an insured State nonmember bank, or any written agreement entered into by such bank with the Corporation. Compliance with the provisions of this Part shall not relieve an insured State nonmember bank from its duty to conduct its operations in a safe and sound manner nor prevent the Corporation from taking whatever action it deems necessary and desirable to deal with specific acts or practices which, although they do not violate the provisions of this Part, are considered detrimental to the safety and sound operation of the bank engaged therein.

(Sec. 9, 64 Stat. 881–82, (12 U.S.C. 1819))

3. *Effective date.* This Part 337 shall become effective on September 15, 1974.

By order of the Board of Directors, August 6, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
*Executive Secretary.*

[FR Doc.74-18705 Filed 8-13-74;8:45 am]

## Title 29—Labor

## CHAPTER V—WAGE AND HOUR DIVISION

## PART 522—EMPLOYMENT OF LEARNERS

### Change Reflecting the Fair Labor Standards Amendments of 1974

On May 1, 1974, §§ 522.24, 522.35, 522.43, 522.65, and 522.85 were amended to reflect the changes in the Fair Labor Standards Act brought about by the Fair Labor Standards Amendments of 1974.

In order to continue the issuance of certificates on or after May 1, 1974, it was necessary to make the revision effective on May 1, 1974, with the provision that interested parties be given opportunity to submit comments until May 31, 1974.

Inasmuch as no comments were received during the period provided, this notice will reaffirm the changes prescribed in the May 1, 1974, FEDERAL REGISTER (39 FR 15122-15124).

Signed at Washington, D.C. this 5th day of August, 1974.

BETTY SOUTHARD MURPHY,
*Administrator, Wage and Hour Division, U.S. Department of Labor.*

**§ 522.24 Special minimum wage rates.**

(a) The special minimum rates of learners employed in occupations for which a 320-hour period is authorized under § 522.23(a) shall during that period be not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour.

(b) The rates for experience workers in any one of the occupations shown in § 522.23(a) for which a 320-hour learning period is authorized, who are being retrained under the terms of a learner certificate in any other occupation shown in that paragraph having such a 320-hour maximum period, shall be not less than $1.85 an hour for the first 160 hours and not less than $1.90 an hour for the remaining 160 hours until December 31, 1974, not less than $1.95 an hour for the first 160 hours and not less than $2.00 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour for the first 160 hours of the 320-hour learning period and not less than $2.20 an hour for the remaining 160 hours.

(c) The rates for learners employed in the occupation of final inspection of assembled garments under § 522.23(b) shall be not less than $1.90 an hour during the authorized 160-hour learning period until December 31, 1975, not less than $2.00 an hour during such authorized learning period between January 1, 1975 and December 31, 1975, and thereafter not less than $2.20 an hour during such authorized learning period.

(d) The rates for learners employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23 (a) or (b) shall be not less than $1.85 an hour during such period until December 31, 1974, not less than $1.95 an hour during such period between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour during such learning period.

(e) The earnings of learners employed in occupations in which experienced workers are compensated on a piecerate basis shall be based on those piece rates when they yield more than the authorized special minimum wage rates, in accordance with § 552.6(j).

(f) No experienced worker shall be employed under the terms of a learner certificate, except as provided in paragraph (b) of this section and in paragraph (c) of § 522.23.

**§ 522.35 Special minimum rates.**

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than $1.90 an hour until December 31, 1974, not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.20 an hour.

**§ 522.43 Learner occupations, learning periods and special minimum rates.**

(a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the occupations for the maximum number of hours and at the special rates set out in subparagraphs (1) through (9) of this paragraph.

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than $1.85 an hour for the first 480 hours and at not less than $1.925 for the remaining 480 hours until December 31, 1974, not less than $1.95 an hour for the first 480 hours and not less than $2.025 for the remaining 480 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.10 for the first 480 hours and not less than $2.225 for the remaining 480 hours.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours at not less than $1.85 an hour for the first 360 hours and at not less than $1.925 for the remaining 360 hours until December 31, 1974, not less than $1.95 an hour for the first 360 hours and not less than $2.025 for the remaining 360 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 for the first 360 hours and not less than $2.225 for the remaining 360 hours.

(3) In the seamless branch, topping, welting, and mending (other than Women's nylon), for 480 hours, at not less than $1.85 an hour until December 31, 1974, not less than $1.95 between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 an hour.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspection, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 an hour.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than $1.90 for the first 480 hours and $1.975 for the remaining 480 hours until December 31, 1974, at not less than $2.00 for the first 480 hours and $2.075 for the remaining 480 hours between January 1, 1975 and December 1975, and thereafter at not less than $2.20 for the first 480 hours and at not less than $2.275 for the remaining 480 hours.

(7) In the full-fashioned branch, pairing and mending, for 720 hours at not less than $1.90 an hour for the first 360 hours and not less than $1.975 an hour for the remaining 360 hours until December 31, 1974, at not less than $2.00 an hour for the first 360 hours and at not less than $2.075 for the remaining 36 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 for the first 360 hours and at not less than $2.275 for the remaining 360 hours.

(8) In the full-fashioned branch, boarding and folding, for 360 hours, at not less than $1.90 an hour until December 31, 1974, at not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 an hour.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing—other than leg and foot), for 240 hours, at not less than $1.90 an hour until December 31, 1974, at not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 an hour.

(10) For purposes of subparagraphs (2) and (7) of this paragraph, the occupation of mending is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such

machinery is an adjunct to the hand-mending process. For purposes of subparagraphs (6) and (9) of this paragraph, the occupation of seaming (leg and foot) is defined as the joining of the sides of full-fashioned fabric from toe to the top of the welt, to form the hosiery.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for the occupation at not less than $1.925 an hour in the seamless branch and at not less than $1.975 an hour in the full-fashioned branch until December 31, 1974, at not less than $2.025 an hour in the seamless branch and at not less than $2.075 an hour in the full-fashioned branch between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.225 an hour in the seamless branch and at not less than $2.275 an hour in the full-fashioned branch. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than $1.925 an hour in the seamless branch and at not less than $1.975 an hour in the full-fashioned branch until December 31, 1974, at not less than $2.025 an hour in the seamless branch an 1 at not less than $2.075 an hour in the full-fashioned branch between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.225 an hour in the seamless branch and at not less than $2.275 an hour in the full-fashioned branch; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable special minimum rates set forth in paragraph (a) of this section: *Provided, however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspection; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

§ 522.65 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the glove industry shall be as follows: (1) In the leather glove, woven or knit fabric glove, and knitted glove branches of the industry, not less than $1.85 an hour for the first 320 hours and at not less than $1.95 an hour for the remaining 160 hours until December 31, 1974, at not less than $1.95 an hour for the first 320 hours and at not less than $2.05 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 for the first 320 hours and not less than $2.25 for the remaining 160 hours; and (2) in the work glove branch of the industry, not less than $1.35 an hour for the first 320 hours and not less than $1.90 an hour for the remaining 160 hours until December 31, 1974, at not less than $1.95 an hour for the first 320 hours and not less than $2.00 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 for the first 320 hours and not less than $2.20 an hour for the remaining 160 hours.

§ 522.85 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the cigar industry shall be: (1) In the occupations of cigar machine operating and cigar packing, not less than $1.85 an hour until December 31, 1974, not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour; (2) in the occupations of hand rolling and hand bunch making, not less than $1.85 an hour for the first 480 hours and $1.925 for the second 480 hours until December 31, 1974, not less than $1.95 an hour for the first 480 hours and $2.025 for the second 430 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 for the first 480 hours and $2.225 for the second 480 hours; (3) in the occupation of hand making Italian stogies, not less than $1.85 an hour for the first 320 hours and $1.925 an hour for the second 320 hours until December 31, 1974, not less than $1.95 an hour for the first 320 hours and $2.025 an hour for the second 320 hours and between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour for the first 320 hours and $2.225 an hour for the second 320 hours; and (4) in the occupations of hand stripping and machine stripping, not less than $1.85 an hour until December 31, 1974, not less than $1.95 an hour between January 1, 1975 and December 31, 1975, thereafter not less than $2.15 an hour.

[FR Doc.74-18686 Filed 8-13-74;8:45 am]

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## CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

## PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

## PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS

### Recordkeeping and Reporting Requirements

Pursuant to the authority in sections 8(c)(1), 8(d), 8(g)(2) and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(c), 657(d), 657(g), and 667) (hereinafter called the Act), 29 CFR Part 1952, "Approved State Plans for Enforcement of State Standards" is amended by adding to Subpart A, "General Provisions and Conditions," a new § 1952.4 providing for coordination of the Federal and State recordkeeping and reporting systems in the area of occupational injuries and illnesses and a prohibition on the use of survey data to identify specific employers for enforcement purposes.

Section 24 of the Act requires the Secretary of Labor to "develop and maintain an effective program of collection, compilation and analysis of occupational safety and health statistics". To carry out the Secretary's function, "employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out the functions of the Act". Under section 24(e), these reports are to be based on records made and kept pursuant to the requirements of section 8(c)(1) of the Act, which are implemented in 29 CFR Part 1904.

When a State has an approved plan under section 18 of the Act, the State is obligated by section 18(c)(7) to require employers to make reports to the Secretary of Labor in the same manner as if the plan were not in effect. This requirement, therefore, as provided in 29 CFR 1902.3(k) means that a State must provide that the reports also be based on records maintained and kept in the same manner and to the same extent as if the plan were not in effect. To meet these criteria, States receiving plan approval are required to adopt regulations substantially identical to 29 CFR Part 1904, "Recording and Reporting Occupational Injuries and Illnesses," with the exception that State regulations may provide coverage for employers of seven or less.

This uniformity, mandated by the Act and implementing regulations, is required because of the nature of statistical information. A statistic from a single establishment covered by the Act achieves its primary purpose only when aggregated with similar statistics from other establishments to form a valid set of information. Because the aggregative process requires uniformity and control, even slight deviations are undesirable. Therefore, the regulations provide that States with approved plans must conform reporting and recordkeeping requirements under their plans to the Federal recordkeeping and reporting regulations. For the same reason the regulations state that, exceptions or variances from recordkeeping and reporting requirements shall be granted only by the U.S. Department of Labor, Bureau of Labor Statistics, to insure that the uniformity and consistency of the data are maintained.

Apart from the required recordkeeping provisions in approved State plans, all the States may participate in the periodic surveys of occupational injuries and illnesses conducted by the Commissioner of the Bureau of Labor Statistics under section 24 of the Act and §§ 1904.20 and

1904.21 of this chapter. (See delegation of authority in Secretary's Order No. 12–71, 36 FR 8754). Employers selected in the sample survey must complete the Occupational Injuries and Illnesses Survey Form, OSHA, No. 103 or corresponding State forms promptly upon receipt. Even where the State participates with the Commissioner in the survey, § 1904.22 of this chapter provides that nothing in an approved State plan will affect this obligation of selected employers. Since the employers' obligation is not affected, it is vital that any information obtained from employers selected for the survey not be affected by actions taken under an approved State plan. In the periodic survey, data is collected on the basis that it will not be used to identify the employers for inspection and compliance purposes. This is because the employers have been randomly selected from a sample of the universe covered by the survey and the use of the data required from these employers to identify them for inspection or preparation for inspection, would be discriminatory since their selection in the sample was fortuitous. The use of such reported information to single out employers for inspection may also jeopardize the integrity of the data.

Employers required to respond to the data requirements must have the same impetus for unguarded response where State enforcement of occupational safety and health standards operates, as where the Federal does. Therefore the regulations provide that this data, when collected by the States, shall not be used to identify specific employers for enforcement purposes. Even though the survey data may not be used as the basis for inspecting individual employers in the survey, the OSHA 103 data may be aggregated by industry and employment size group within the State or county to provide direction for scheduling inspections. Certainly inclusion in the survey should not preclude any employer from being inspected as a result of a catastrophe, an employee complaint under State or Federal law, or from being identified through analysis of data from sources other than the OSHA 103 survey. In addition, although original OSHA 103 reports or copies must be retained by the State statistical grant agency, information on injuries and illnesses by extent and outcome as well as establishment incidence rates may be released separately to authorized personnel to provide background data on employers already scheduled for compliance purposes. However, the data must be classified by relative classes or groupings, not specific employers, to prevent specific data disclosures. Compliance officers should utilize the essential OSHA records, i.e. OSHA Forms 100, 101, 102, and corresponding State forms, available at the establishment during the course of the investigation, rather than the OSHA 103 reports.

29 CFR Part 1954, "Procedures for the Evaluation and Monitoring of Approved State Plans", is also amended to assure a uniform policy of enforcement with respect to recordkeeping and reporting requirements in States with approved plans. Under § 1904.10 of this chapter, records maintained by employers in accordance with the requirements of approved State plans shall be considered compliance with the Federal requirements in 29 CFR Part 1904. This substitution of State for Federal requirements where the State requirements meet the specifications in the Act and implementing regulations is in accordance with section 8(d) of the Act which states that any information required by the Secretary or a State agency shall be obtained with a minimum burden upon employers.

The new § 1952.4 of this chapter and the conforming amendment to § 1954.3 of this chapter include statements of policy, interpretations of the Act and implementing regulations respecting recordkeeping and reporting requirements. Regulations dealing with statutory interpretations and policy statements do not require a public comment period prior to becoming effective (Administrative Procedure Act, 5 U.S.C. 553(b)(3)(A)).

In addition, the Assistant Secretary, in accordance with 5 U.S.C. 553(b)(3)(B) finds that good cause exists for not delaying the effective date of these regulations because they merely codify existing requirements and procedures which have been incorporated in each approved State plan and public comment would be unnecessary.

Therefore, pursuant to the authority contained in sections 8(g)(2), 18 and 24 of the Act, 29 CFR 1952.4 and 29 CFR 1954.3 are amended as follows. The amendments shall be effective August 14, 1974.

1. The existing § 1952.4 is amended by deleting the words "Changes. [Reserved]" and adding to Subpart A the following:

* * * * *

**§ 1952.4 Recordkeeping and reporting requirements.**

(a) States must adopt recordkeeping and reporting regulations which are substantially identical to 29 CFR Part 1904 "Recording and Reporting Occupational Injuries and Illnesses" except for § 1904.13 of this chapter, which provides for variances. In addition, a State may extend these requirements to employers with seven or less employees.

(b) Employer petitions for variances or exceptions to State recordkeeping and reporting requirements under an approved plan must be obtained from the Bureau of Labor Statistics of the U.S. Department of Labor. Therefore, a State may not grant a variance to recordkeeping and reporting requirements under their own procedures.

(c) In order to preserve the uniformity of statistics, a State must recognize all variances granted by the Bureau of Labor Statistics.

(d) A State is not prohibited from requiring supplementary reporting or recordkeeping data, but such additional data must be approved by the Bureau of Labor Statistics to insure that there will be no interference with the primary uniform reporting objectives.

(e) Data obtained from employers in the periodic survey conducted pursuant to 29 CFR 1904.21 (OSHA Form 103 and corresponding State forms) shall not be used to identify specific employers for enforcement purposes.

* * * * *

2. Section 1954.3 is amended by adding a new paragraph (d)(1)(iii) (formerly "[Reserved]") to read as follows:

**§ 1954.3 Exercise of Federal discretionary authority.**

* * * * *

(d)(1) * * *

(iii) Subject to pertinent findings of effectiveness under this part, and approval under Subparts B and F of Part 1953, Federal enforcement proceedings will not be initiated where an employer is in compliance with the recordkeeping and reporting requirements of an approved State plan as provided in § 1952.4 of this chapter.

(Secs. 8 and 18, Pub. L. 91–596, 84 Stat. 1590 and 1608 (29 U.S.C. 657, 667))

Signed at Washington, D.C. this 8th day of August, 1974.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.74–18687 Filed 8–13–74;8:45 am]

## Title 31—Money and Finance: Treasury

### CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

### PART 515—CUBAN ASSETS CONTROL REGULATIONS

#### Interpretations and Licensing Policy Statements; Corrections

The last two words of § 515.545(b)(6) were inadvertently omitted from the text as published in 39 FR 25318, July 10, 1974. As corrected, § 515.545 (b)(6) reads:

(6) Statement of all sales of materials imported, showing the number sold, the amounts deposited in blocked accounts and the name and address of the domestic banks where the accounts are located.

The word "amount" in § 515.552(a)(2), line 4, as published in 39 FR 25319 was inadvertently substituted for the word "account." As corrected, § 515.552 (a)(2) reads:

(2) As an alternative procedure at the option of the applicant, payment may be licensed of the total amount of the proceeds into a blocked account in a domestic bank in the names of the beneficiaries, subject to the condition that the account is designated as blocked by reason of the interest of the deceased insured in the policy since July 8, 1963. Licenses may subsequently be issued authorizing payments from such blocked account to non-blocked beneficiaries provided that the balance remains equal to the cash surrender value of the policy on the date of the insured's death, and accrued interest.

Section 515.556, as published in 39 FR 25319, should be corrected to substitute

in line 4 the words "in the authorized trade territory" for the words "outside Cuba." As corrected § 515.556 reads:

§ 515.556 Accounts of Cuban Citizens Outside Cuba.

Section 515.521 authorizes the release of $100 per month for living expenses from blocked accounts of Cuban citizens in any country in the authorized trade territory who resided in Cuba on or after July 8, 1963. This amount may be increased if the applicant is able to establish that such increase is reasonable and necessary.

[SEAL] STANLEY L. SOMMERFIELD,
*Acting Director,*
*Office of Foreign Assets Control.*

[FR Doc.74-18691 Filed 8-13-74;8:45 am]

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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19832, RM-2086; FCC 74-855]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Knoxville and Jefferson City, Tenn.).

1. The Commission has before it for consideration the proposal to assign Channel 257A to Knoxville, Tennessee, as a fourth FM assignment upon which rulemaking was instituted herein in response to a petition of Morgan Broadcasting Company (Morgan Broadcasting), licensee of Station WSKT, a daytime-only AM station at Knoxville. (Notice of proposed rulemaking, released October 1, 1973; FCC 73-1010, 38 FR 27624.) Supporting comments were filed by Morgan Broadcasting in which it affirms its intent to apply for use of Channel 257A at Knoxville if its proposal is adopted. Opposing comments were filed by Dallas C. Coffman (Coffman), Morristown, Tennessee, in which he counterproposes that Channel 257A be assigned to Jefferson City, Tennessee, for a first FM assignment and a first nighttime aural broadcast service instead of to Knoxville. His comments also evidence his intent to apply for use of Channel 257A for a Jefferson City FM station if his counterproposal is adopted. No other comments on thes conflicting Knoxville and Jefferson City Channel 257A proproposals were received, and their proponents confine their comments to their respective proposals.

KNOXVILLE CHANNEL 257A PROPOSAL

2. As the Notice indicates, Morgan Broadcasting's proposal to assign Channel 257A to Knoxville was deemed to merit further consideration in rule making since Knoxville (1970 population, 174,587), with but three Class C FM channels assigned (Channels 248, 278 and 299), all occupied, is of a size to qualify for a fourth FM assignment by our assignment criteria. Its petition evidenced Knoxville's potential for continued growth and of existing demand for an additional local FM service there, and it appeared that the proposed Knoxville Channel 257A assignment might be warranted but for certain possible countervailing reasons which rule making would provide needed opportunity to evaluate more fully. The areas of possible concern and upon which additional information and comments were specifically requested in the notice included (1) the critical question of whether a Knoxville Channel 257A station would be able to provide the requisite signal for principal city service over Knoxville in light of spacing restrictions on selection of an antenna site; (2) questions as to the preclusionary impact of the proposed assignment upon assignments to other communities; and (3) a question as to justification for assigning a Class A channel to Knoxville in light of our policy against the intermixture of different classes of assignments in the same community.

3. In its comments, Morgan Broadcasting incorporates by reference those contained in its petition on the intermixture and preclusion questions and presents a further showing in an accompanying engineering exhibit to demonstrate that a Knoxville Channel 257A station would be able to provide the required 70 dBu signal for principal-community service over the entire city from a site meeting spacing requirements. Its showing in this regard is not persuasive.

4. Channel 257A could be assigned and used at Knoxville consistent with all mileage separation requirements only if a Knoxville Channel 257A station were to operate from a transmitter site located in and around the eastern section of Knoxville meeting the required 65-mile separation from the co-channel station (WAEW-FM) at Crossville, Tennessee, which is located but 61.8 miles from the Knoxville reference point. To establish that a Class A station would be able to provide all of Knoxville with the requisite city-grade signal from a transmitter site in this area, Morgan Broadcasting ran profile radials from a specified site in this area over two paths, as shown in its engineering exhibit. It maintains that from the specified site (1,200 feet above mean sea level), a 270° radial would yield a height of 945 feet above average terrain between two to ten miles from the site and that a 315° radial would yield a height of 1,003 feet above average terrain between two to ten miles from the site; that, in view of the extremely high terrain in other directions, a 250 foot supporting tower would provide a height of 300 feet above average terrain; and that, with the center of the radiator at 1,435 feet above mean sea level, the center of the FM antenna would be 490 feet above average terrain on the 270° radial and 427 feet above average terrain on the 315° radial. Morgan Broadcasting maintains that if its projected station were to operate with effective radiated power of three kilowatts, its 70 dBu contour would extend 11 miles on the 270° radial and 10 miles on the 315° radial and would thus easily cover all of Knoxville with a 70 dBu contour in full compliance with § 73.315 of the rules.

5. However, our examination of the topography of the areas involved, which is alleged but not shown to consist of extremely high terrain, shows that the ground elevation on five of six radials (0°, 45°, 90°, 180°, and 225°) ranges between 900 feet and 1,100 feet above mean sea level (similar to 270° and 315° radials). Therefore, if the antenna were to be used at the projected height of 1,435 feet above mean sea level, the maximum allowed antenna height of 300 feet above average terrain (averaged over eight radials) would be exceeded, and the effective radiated power would have to be reduced accordingly to comply with the provisions of § 73.211(b)(2) of the rules. If the power of the station were to be reduced below three kilowatts, as this would require, its 70 dBu contour on the 270° radial would not extend 11 miles, but something less, and the projected station would not comply with the signal requirements of § 73.315 of the rules for serving Knoxville. We therefore are not convinced by Morgan Broadcasting's showing that a Knoxville Channel 257A station would be able to comply with the technical requirements of the rules for coverage of Knoxville and believe that its Channel 257A proposal for Knoxville is technically unsuitable for adoption.

6. Having reached this decision, we may dispense with any further consideration of Morgan Broadcasting's Knoxville proposal including such matters as its claimed advantages and possible drawbacks (such as intermixture and preclusion questions) which were mentioned in the Notice but which were not further discussed by the petitioner in its comments. Since we have decided that the Knoxville Channel 257A proposal is technically unsuitable for adoption, it will also not be necessary to evaluate its merits vis-a-vis the conflicting Coffman counterproposal for the assignment of Channel 257A to Jefferson City. We, therefore, now proceed to consider that proposal on its individual merits.

JEFFERSON CITY CHANNEL 257A COUNTERPROPOSAL

7. In the Notice it was pointed out that Channel 257A might be assigned to other Tennessee communities, such as Jefferson City (population, 5,124), Alcoa (population, 7,739) or Maryville (population, 13,808), all without an FM assignment and with only one AM outlet (daytime-only operations at Jefferson City and Alcoa), if not foreclosed by the assignment of Channel 257A to Knoxville, and if suitable antenna sites are available.[1] While no comments evidencing an interest in the use of Channel 257A at either Alcoa or Maryville were filed herein, those filed by Coffman show both in-

[1] Population figures cited are from the 1970 U.S. Census.

terest and demand for use of the channel at Jefferson City, a community located in Jefferson County (population, 24,940), approximately 25 miles northeast of Knoxville, with only Station WJFC, an AM daytime-only operation, as a broadcast outlet.

8. Our further technical study confirms that while Channel 257A cannot be properly utilized at Knoxville, it can be assigned to Jefferson City and used at a technically suitable antenna site for serving Jefferson City and meeting spacing requirements, approximately five miles southwest of Jefferson City. The location for the antenna is governed by the minimum separation required to the Channel 257A station (WYGO–FM) at Corbin, Kentucky, and to the Channel 260 station (WLOS–FM) at Asheville, North Carolina. While it appears, as Morgan Broadcasting noted in its petition, that Channel 288A would also be technically feasible for a Jefferson City assignment, since Channel 257A can be assigned to Jefferson City and is requested by the petitioner, there is no need to consider that alternative possibility.

9. In support of his counterproposal, Coffman submitted a comprehensive report on Jefferson County, prepared in 1972 by the East Tennessee Development District (composed of Jefferson County and 15 other counties) which furnishes detailed information concerning the county as a whole and Jefferson City in particular, including Census data on population, income, employment, occupation, education and housing. The Report points out that between 1960 and 1970, Jefferson County grew by 16.0 percent (from 21,493 to 24,940) and Jefferson City by 12.6 percent (from 4,550 to 5,124); that Jefferson City is the trade center for the county, the location of Carson-Newman College, as well as the location of the Magnavox Corporation, one of the two major employers in the county; and that the other major employer in the county is the zinc mines in the Strawberry Plains, New Market and Jefferson City areas. The Report states that during the 1970s Jefferson County is expected to increase in population and to continue to improve economically and that the county, which was the third fastest growing county in the sixteen-county area in the East Tennessee District during the 1960–1970 period, has potential for ranking as the fastest growing county in the District in the next ten years.

10. Therefore, in consideration of the above, we have decided that the assignment of Channel 257A to Jefferson City for a first FM local service and a first full-time aural broadcast service would serve the public interest.

11. In view of the foregoing, *It is ordered,* That effective September 16, 1974, pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, the FM Table of Assignments, § 773.202(b) of the rules, is amended, insofar as the community named below is concerned, to read as follows:

| City: | *Channel No.* |
|---|---|
| Jefferson City, Tenn. | 257A |

12. *It is further ordered,* That the proposal of Morgan Broadcasting Company to assign Channel 257A to Knoxville, Tennessee (RM–2086) is denied.

13. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: July 31, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74–18656 Filed 8–13–74;8:45 am]

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[Docket No. 20002, RM 2251]

## PART 73—RADIO BROADCAST SERVICES

### Table of Assignments: First Report and Order Regarding Milton, Fla.

In the matter of amendment of § 73.202(b) Table of Assignments, FM Broadcast Stations. (Marco, Florida; St. Augustine, Florida; and Milton, Florida).

1. The Commission has under consideration the notice of proposed rulemaking issued April 11, 1974 (39 FR 13559) proposing to amend § 73.202(b) of the rules, the Table of FM Assignments. The notice gave consideration to the requests for assignment or substitution of FM channels to three communities in the State of Florida. This First Report and Order concerns the proposal to substitute a channel at Milton, Florida, and no adverse comments were filed with respect to the proposal thereto. The remainder of the proposals in the proceeding herein will be considered later in another document.

2. The rulemaking was instituted on a petition by H. Byrd Mapoles tr/as Mapoles Broadcasting Company (Mapoles), licensee of Station WXBM–FM, operating on Channel 272A at Milton, Florida. Mapoles contended that the operation of his station was affected by the strong signal of Station WBOP–FM, Channel 268, at Pensacola, Florida, which operated from a site about four miles west of the Milton station. It appeared that the disparity in power of Station WBOP–FM operating with 100 kilowatts compared to Station WXBM–FM operating with three kilowatts and the separation in assignments by four channels resulted in substantial amount of interference to the reception of the WXBM–FM signal in Milton and the neighboring communities and rural areas, and that the interference was manifested by the "capture effect" of receivers employing automatic frequency control (AFC) which seek stronger signals. Mapoles asserted that this AFC action often resulted in either the total loss of the WXBM–FM signal or the simultaneous reception of both signals. A change in the channel assignment from Channel 272A to Channel 274[1] which, Mapoles contended, would completely eliminate the problem by virtue of greater channel separation and the reduction in the disparity of signal strength between the two stations that would result throughout the normal WXBM–FM signal area, i.e., Station WXBM–FM would be operating with 100 kilowatts.

3. In addition, Mapoles had contended that, if his station were to operate with 100 kilowatts power and antenna height of 500 feet above average terrain on a Class C channel, it would provide 289,180 persons in an area of 3,297 square miles with a new FM service which would include Escambia County, part of Okaloosa County in northern Florida, and Baldwin and Escambia Counties in southern Alabama, and that based on Roanoke Rapids-Goldsboro, North Carolina, showing, the Milton station would not provide a first FM service to any area but it would provide a second FM service to 817 persons in an area of 72 square miles. However, the notice stated that the proposed assignment of Channel 274 to Milton would foreclose future assignment on three channels, listed a number of communities without local FM broadcast facilities that were located within the precluded areas, and inquired whether there were any other channels available for assignment to these communities. It further indicated that Mapoles' contentions supported the proposed change to a Class C channel, but they also suggested the substitution of another Class A channel.

4. In its supporting comments, Mapoles stated, among other things, that under existing conditions, the new WXBM facility would provide a first FM service to 225 persons in an area of 17 square miles and a second FM service to 7,287 persons in an area of 316 square miles, and that Channel 237A was available for assignment to East Brewton, Alabama, which had the least number of FM service provided by stations in the neighboring communities. As to other communities, Mapoles maintained that there were from four to seven FM services available from stations located in the vicinity. With regard to availability of another Class A channel for Milton, Mapoles contends that Channel 272A on which it is presently operating is the only channel available for the community.

5. Since there is no substitute Class A channel available, we believe that it would be in the public interest to change the channel assignment as requested by the petitioner, thereby eliminating the interference problem occuring in Milton and its environ. Although the proposed substitution would foreclose future assignments on three channels, there is one Class A channel available for one of the

[1] The antenna site must be located at least 10 miles west of Milton, Florida, to meet the minimum spacing requirement to Channel 276A at DeFuniak Springs, Florida.

communities located within the precluded areas, and the other communities, which are not large, receive service from a number of other FM stations. Further, it would provide some 300,000 persons with another FM service. Accordingly, Channel 274 would be substituted for Channel 272A at Milton, Florida.

6. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, *It is ordered,* That effective September 16, 1974, the Table of FM Assignments, § 73.202(b) of the rules, is amended to read as follows:

| City: | Channel No. |
|---|---|
| Milton, Fla | [1]274 |

[1] Any application for this channel must specify an effective radiated power of 100 kW and antenna height of 500 feet above average terrain or equivalent.

7. *It is further ordered,* That, effective September 16, 1974, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by H. Byrd Mapoles, tr/as Mapoles Broadcasting Co., for Station WXBM-FM, Milton, Florida, is modified to specify operation on Channel 274 in lieu of Channel 272A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than September 16, 1974, of his acceptance of this modification.

(b) The licensee shall submit to the Commission by October 16, 1974, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WXBM-FM on Channel 274 at Milton, Florida.

(c) The licensee may continue to operate on Channel 272A under his outstanding authorization for one year from the effective date of this order, or effect the change sooner should it so desire. Ten days prior to commencing operation on Channel 274, the licensee shall submit the same measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 274 until the Commission specifically authorizes him to do so.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: July 31, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74-18657 Filed 8-13-74;8:45 am]

## PART 76—CABLE TELEVISION SERVICE

[Docket No. 19948; FCC 74-831]

### Report and Order Regarding Public Inspection Files and Permit System Inspections

In the Matter of amendment of Part 76 of the Commission's rules and regulations relative to obligations of cable television systems to maintain public inspection files and permit system inspections.

1. On February 27, 1974, we adopted our notice of proposed rulemaking in Docket No. 19948, FCC 74-207, 45 FCC 2d 669. We there proposed rules which would require all cable television systems to keep a public inspection file and to permit authorized Commission employees to inspect their systems' facilities. In issuing the notice, we observed that:

[W]e have had cause to be concerned whether our existing cable television rules provide adequate procedures for public participation in our processes * * * Many members of the public apparently wish to comment on applications for certificates of compliance or requests for special relief, but have difficulty in obtaining copies of filings * * *. If the public is to play an informed role in the regulation of cable television, it must have at least basic information about a local ssytem's operations and proposals.[1]

We now are in receipt of comments and reply comments to our notice. (For a complete list, See Appendix B.[2]) We have determined to adopt the proposed rules, subject to some clarifications and modifications.

2. The comments almost unanimously favored adoption of a public inspection file requirement, although many parties suggested changes in the form of the requirement. Only TelePrompTer and Storer maintained that no rule was necessary, on the ground that the Commission had not demonstrated any compelling public need for the documents. As indicated by our prior experience—and indeed, by the wide variety of comments in this proceeding—the public does have a real need for access to cable systems' filings before this Commission. Along with the National Cable Television Association, TelePrompTer and Sterling also argued that cable systems should not be subject to the same regulations as broadcast stations, since the two services are different in nature. But while we long have recognized this difference, it does not immunize cable from all requirements similar to those imposed on broadcasting. For example, our origination cable-casting rules follow many of the general policies applicable to broadcast stations. Section 76.201 et seq. of the Commission's Rules.

3. The Civil Liberties Union of Alabama and the Selma Project asserted that even major Commission documents often were unavailable locally to citizens. They noted that in the whole state of Alabama only one set of the official FCC Reports existed, that many counties did not even maintain public libraries, and that most libraries did not receive the FEDERAL REGISTER. Similarly, the Office of Communication of the United Church of Christ pointed out that most cable systems have inherently small service areas, thus requiring great citizen participation in regulatory decisions.

4. A number of parties commented, however, that the proposed rule went either too far or not far enough. These comments fell basically into several main categories—i.e., rights to copy materials in the file, local notice of Commission filings, location of inspection files, and logging requirements.

5. The Civil Liberties Union of Alabama, the Selma Project, the National Black Media Coalition, and the Philadelphia Community Cable Coalition suggested that the Commission require cable systems to make available for copying all documents at a reasonable cost; they noted that the Commission had proposed imposing just such a requirement upon broadcast television stations in its notice of proposed rulemaking in Docket No. 19667, FCC 73-1039, 43 FCC 2d 680. These suggestions are well taken. Indeed, we recently adopted our Second Report and Order in Docket No. 19667, FCC 74-798, — FCC 2d —, which promulgated a requirement that all broadcast television licensees make public inspection file materials available to the public for copying. See § 1.526(f). We believe that a similar requirement for cable television systems would be in the public interest. Since the rule requires only that the materials be made available for copying—and not that systems make copies—it should impose little burden upon cable systems. Moreover, the existence of a public inspection file is of little avail, unless members of the public can duplicate it by means other than laborious hand-copying. And as we noted in Par. 22 of our Report and Order, supra, the implementation of the copying rule as to television station logs has created little or no difficulty so far. Accordingly, we will adopt substantially the same rule for cable television systems.

6. These parties also urged that we require cable systems to give public notice in their communities of all Commission filings, since we currently impose a similar requirement on broadcast stations. Section 1.594 of the Commission's rules. On the other hand, the group of 82 Cable Television Companies argued that this requirement was "inappropriate". We believe that this issue is more appropriately dealt with in a separate rulemaking proceeding.

7. A group of 11 Cable Television Companies and a group of 82 Cable Television Companies argued that the proposed rule should allow cable operators to locate the public inspection file at only one central business office or head-end. They asserted that the proposed rule might force a cable operator to maintain several inspection files for one conglomerate system, thus imposing an undue burden. The National Citizens Committee for Broadcasting maintained that we should require cable systems to keep inspection files at every business office. We believe that our original proposal is still appropriate, since a cable operator presumably does not maintain a local business office unless the office does a substantial amount of business. Although this formulation of the rule might increase marginally the number of locations at which an operator must maintain an inspection file, it will create only a minimal burden.

8. We will modify the rule, however, to make clear that a cable system must

[1] Notice of proposed rulemaking in Docket No. 19948, supra, Pars. 1, 2.

[2] Filed as part of the original document.

maintain an inspection file at an "accessible place in the cable system's community" only where the system does not have a business office which normally serves the community. We feel that the proposed rule accommodates the interests of the public and of the cable industry. Indeed, we recently noted that pursuant to § 76.31(a)(5), "the operator of a single plant multi-community system need not have a business office in each of the communities served so long as subscribers can call a local telephone number to register complaints and personnel are available to act on those complaints." Clarification of Rules and Notice of Proposed Rule Making, FCC 74-384, 46 FCC 2d 175,201.

9. Similarly, a number of parties requested that we also require cable systems to keep on file additional documents—such as copies of oppositions to applications, lists of minority employees, quarterly Form 395 EEO reports, composite week logs, etc. We do not believe that maintenance of these materials is either necessary or appropriate for informed citizen participation in our regulatory processes. Moreover, many of these materials simply do not exist at the present time. For example, unlike broadcast stations, cable television systems are not required to keep composite week logs at all. Accordingly, requiring these materials to be included in the public inspection file would be highly onerous for cable systems and would have little if any clear benefit for the public. We therefore decline to follow these suggestions at the present time.

10. The Rocky Mountain Broadcasters Association suggested that we require cable systems to log all programs which they carry, and the National Citizens Committee for Broadcasting proposed that cable systems be required to log all origination cablecasts. Our proposed rule would require logs only for programs carried on additional signals. On the other hand, the National Cable Television Association argued that we should apply logging rules only to signals which a major market system commenced carrying after the effective date of the rules; NCTA maintains that logs are of value only in situations where syndicated exclusivity may apply. On this issue, we find NCTA's point well taken. Requiring a cable system to log all or some programs would impose an extreme burden; unlike a broadcast television station, a cable television system may carry a number of programs simultaneously, thus making the maintenance of a program log extremely difficult and time-consuming. Moreover, a cable system has no control over off-the-air programming, and thus has less need to create a record for the public. Accordingly, we will retain the wording of present § 76.305 instead of substituting proposed § 76.305(a)(5).

11. Finally, in our prior notice we observed that proposed § 76.307's provisions for system inspections would "be useful to both Commission employees and cable operators by defining the appropriate personnel and time for an inspection." Notice of proposed rulemaking, supra, Par. 12. None of the parties appeared to find the rule at all objectionable, and we again find it to be in the public interest. accordingly, we will adopt it in its original form.

12. We thus will adopt the proposed rules, subject to the modifications and clarifications indicated above. As we stated in Par. 13 of our notice, supra, we thus "hope to encourage a greater interaction between the Commission, the public, and the cable industry."

Authority for the rule amendments adopted herein is contained in sections 2, 4 (i) and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective September 16, 1974, Part 76 of the Commission's rules and regulations is amended as set forth below.

Adopted: July 31, 1974.

Released: August 8, 1974.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1084, 1089; (47 U.S.C. 152, 154, 303, 307, 308, 309))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.251(a)(11)(iv) is amended to read as follows:

**§ 76.251 Minimum channel capacity; access channels.**

(a) * * *
(11) * * *

(iv) The operating rules governing public access, educational, and leased channels shall be filed with the Commission within 90 days after a system first activates any such channels, and shall be available for public inspection as provided in § 76.305(b). Except on specific authorization, or with respect to the operation of the local government access channel, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels; however, franchise specification concerning the number of such channels for systems in operation prior to March 31, 1972 shall continue in effect.

* * * * *

2. Section 76.305 is revised to read as follows:

**§ 76.305 Records to be maintained locally by cable television systems for public inspection.**

(a) *Records to be maintained.* Every cable television system shall maintain for public inspection a file containing the following:

(1) A copy of every application for a local and/or state franchise or other authorization and all exhibits, letters and other documents tendered for filing as part thereof, all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the applicant and the franchising authority pertaining to the application after it has been tendered for filing, and copies of all documents pertaining thereto issued by the franchising authority. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states.

(2) A copy of every application for a certificate of compliance and all exhibits, letters and other documents tendered for filing as part thereof, all amendments thereto, letters and other documents incorporate therein by reference, all correspondence between the Commission and the applicant pertaining to the application after it has been tendered for filing, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto, which according to the provisions of § 0.451-0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the applicant, after making the reference, so states.

If an opposition to the application is filed and duly served upon the applicant, a statement that such opposition has been filed shall appear in the local file together with the name and address of the party filing the opposition.

(3) A copy of every petition for special relief filed by or against the system pursuant to § 76.7 of this part and all exhibits, letters and other documents tendered for filing as part thereof, all amendments thereto, copies of all documents incorporated therein by reference, all correspondence between the Commission and the system pertaining to the petition after it has been tendered for filing, and copies of Initial Decision and Final Decisions in hearing cases pertaining thereto, which according to the provisions of § 0.451-0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the system, after making the reference, so states. If an opposition to the petition is filed and duly served by or upon the system, a statement that such opposition has been filed shall appear in the local file together with the name and address of the party filing the opposition.

(4) A copy of every Form 325 and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the system and the Commission pertaining to the reports after they have been filed, and all documents incorporated therein by reference which according to the provisions of § 0.451–0.461 of this chapter are open for public inspection at the offices of the Commission. Information incorporated by reference which is already in the local file need not be duplicated if the entry making the reference sufficiently identifies the information so that it may be found in the file, and if there has been no change in the document since the date of filing and the system, after making the reference, so states.

(5) If a cable system operates in a community located in whole or in part within a major television market, a record of the call letters and location of each such station carriage of whose signal was commenced after March 31, 1972, pursuant to §§ 76.61(b), (c), (d), or (e) or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)), the date and specific starting and ending time of such carriage, and the names of the programs scheduled to be shown.

(6) A copy of any application for transfer of control of a Cable Television Relay Station, pursuant to § 78.35, which serves the cable televison system.

(7) A copy of all records which are required to be kept by § 76.205(c) (origination cablecasts by candidates for public office); § 76.251(a)(11) (public access channels, educational access channels, leased accessed channels); § 76.311(f) (equal employment opportunities).

(b) *Location of records.* Except as provided by § 76.311(f) with regard to employment reports, the public inspection file shall be maintained at the office which the cable television system maintains for the ordinary collection of subscriber charges, resolution of subscriber complaints, and other business or at any accessible place in the cable system's community (such as a public registry for documents or an attorney's office). The public inspection file shall be available for public inspection at any time during regular business hours.

(c) *Period of retention.* The records specified in paragraphs (a)(1), (2), (3) of this section shall be retained so long as a certificate of compliance or renewal thereof is outstanding. The records specified in paragraph (a)(4) of this section shall be retained for two years. The records specified in paragraph (a)(5) of this section shall be retained for one year after an amendment to such record is placed in the public inspection file. The records specified in paragraph (a)(6) of this section shall be retained so long as an authorization for a Cable Television Relay Station and renewals thereof are outstanding. The records specified in paragraph (a)(7) of this section shall be retained for the periods specified in § 76.205(c), 76.251(a)(11), and 76.311 (f).

(d) *Reproduction of records.* Copies of any material in the public inspection file shall be available for machine reproduction upon request made in person, provided the requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the cable television system, within a reasonable period of time, which in no event shall be longer than seven days. The cable television system is not required to honor requests made by mail but may do so if it chooses.

3. Section 76.307 is added to read as follows:

§ 76.307 System inspection.

The operator of a cable television system shall make the system, its public inspection file, and its records of subscribers available for inspection upon request by any authorized representative of the Commission at any reasonable hour.

[FR Doc.74-18655 Filed 8-13-74;8:45 am]

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[Docket No. 20006; FCC 74-821]

## HIGH FREQUENCY TRANSMITTER OPERATORS

### Report and Order Regarding Radiotelephone Operator's License

In the matter of amendment of Parts 89, 91, and 93 of the Commission's rules and regulations to eliminate the requirement that an operator of a high frequency transmitter possess a radiotelephone operator's license of any class.

1. On April 9, 1974, the Commission adopted a Notice of proposed rulemaking (46 FCC 2d 382) in the above entitled proceeding to amend its rules to eliminate licensing requirements pertaining to operators of high frequency radiotelephone transmitters in the private land mobile radio services.

2. Comments were filed by the Special Industrial Radio Service Association, Inc. (SIRSA), the Central Committee on Telecommunications of the American Petroleum Institute (API), and the Utilities Telecommunications Council (UTC). No reply comments were received.

3. All parties expressed unreserved support for the proposal. UTC, initiator of the Petition for Rule Waiver which resulted in the formulation of the Notice, succinctly summed up the arguments as follows:

> The restricted radio telephone operators' permit is of little value. First, it confers very little operating authority on the licensee. Licensees are prohibited from making technical adjustments which could result in improper transmitter operation. Also, much of the equipment used is not even subject to manual tuning, and since the quality and reliability of radio transmitters has improved, constant transmitter maintenance is not required. Second, despite the long distance propagation characteristics of the high frequency band, the number of stations causing interference is negligible and when interference occurs it is usually occasioned by technical rather than operational violations on the part of the licensee. Third, where companies employ more than one system dispatcher the requirement that each dispatcher have a license is indeed burdensome.

4. In concurrence with the foregoing, the Commission has determined that the public interest, convenience and necessity will be served by the amendment of its rules as initially proposed to eliminate the requirement that operators of base or mobile stations transmitting of frequencies below 25 MHz, utilizing radiotelephony, hold a commercial radio operator's license or permit.

5. Accordingly, pursuant to authority contained in sections 4(i), 303 and 318 of the Communications Act of 1934, as amended, *It is ordered,* That the provisions of section 318 of the Communications Act are waived, and that effective September 16, 1974, Parts 89, 91 and 93 of the Commission's rules are amended as set forth below. *It is further ordered,* That this proceeding is terminated.

(Secs. 84, 303, 318, 48 Stat., as amended, 1066, 1082, 1089, 47 U.S.C. 154, 303, 313.)

Adopted: July 31, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
*Secretary.*

### PART 89—PUBLIC SAFETY RADIO SERVICES

A. Part 89 of the Commission's rules is amended to read as follows:

§ 89.163 [Amended]

1. In § 89.163, paragraphs (a)(2) and (3) are deleted:

### PART 91—INDUSTRIAL RADIO SERVICES

B. Part 91 of the Commission's rules are amended to read as follows:

1. Section 91.154(c) is revised and paragraphs (d) and (e) deleted and designated [Reserved] to read as follows:

§ 91.154 Operator requirements.

* * * * *

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person, after being authorized by the station licensee to do so, may operate from a control point a mobile, base or fixed station, or from a dispatch point a base or fixed station during the course of normal rendition of service.

(d)–(e) [Reserved]

* * * * *

### PART 93—LAND TRANSPORTATION RADIO SERVICES

C. Part 93 of the Commission's rules is amended to read as follows:

1. Section 93.154(c) is revised and paragraphs (d) and (e) deleted and designated [Reserved] as follows:

§ 93.154 Operator requirements.

* * * * *

(c) Except under the circumstances specified in paragraphs (a) and (b) of

this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person, after having been authorized to do so by the station licensee, may operate from a control point a mobile, base or fixed station, or from a dispatch point a base or fixed station, during the course of normal rendition of service.

(d)–(e) [Reserved]

* * * * *

[FR Doc.74-18662 Filed 8-13-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. MC-1 (Sub-No. 3)]

PART 1322—EXTENSION OF CREDIT TO SHIPPERS BY MOTOR CARRIERS

Payment of Rates and Charges of Motor Carriers; Credit Regulations—Household Goods

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of August, 1974.

It appearing, that, upon investigation and consideration of the matters and things raised in the above-entitled proceeding, the Commission, by report and order of September 5, 1973, 118 M.C.C. 778, modified Part 1322 of chapter X of Title 49 of the Code of Federal Regulations by amending § 1322.1 thereof by adding a new paragraph (c) thereto, prescribing an exception governing the extension of credit to shippers by motor common carriers of household goods which is set forth in part as follows:

Except as provided in paragraph (b) of this section, motor common carriers of household goods must also provide in their tariffs that (1) the aforestated credit period of 7 calendar days shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, * * *; [Emphasis supplied]

It further appearing, that "the aforestated credit period" referred to therein is contained in 49 CFR 1322.1(a) as "a period of 7 days excluding Saturdays, Sundays, and legal holidays"; and that, accordingly, the "aforestated credit period" of 7 "calendar" days referred to in 49 CFR 1322.1(c) was an inadvertent error and should, more appropriately have been set forth as "the aforestated credit period of 7 days excluding Saturdays, Sundays, and legal holidays"; and good cause appearing therefor:

*It is ordered,* That 49 CFR 1322.1(c) be, and it is hereby, modified and corrected to read as follows:

§ 1322.1 Carrier may extend credit to shipper.

* * * * *

(c) *Exceptions—Carriers of household goods.* Except as provided in paragraph (b) of this section, motor common carriers of household goods must also provide in their tariffs that (1) the aforestated credit period of 7 days excluding Saturdays, Sundays, and legal holidays shall automatically be extended to a total of 30 calendar days for any shipper who has not paid the carrier's freight bill within the aforesaid 7-day period, (2) such shipper will be assessed a service charge by the carrier equal to 1 percent of the amount of said freight bill, subject to a $10 minimum charge, for such extension of the credit period, and (3) no such carrier shall grant credit to any shipper which fails to pay a duly presented freight bill within the 30-day period, unless and until such shipper affirmatively satisfies the carrier that all future freight bills duly presented will be paid strictly in accordance with the rules and regulations prescribed by the Commission for the settlement of carrier rates and charges. *Provided,* That no service charge authorized herein shall be assessed in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State or territory, or political subdivision thereof, or for the District of Columbia.

*It is further ordered,* That this order shall become effective on the date of service of this order, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

*And it is further ordered,* That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-18669 Filed 8-13-74;8:45 am]

Title 50—Wildlife

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Audubon National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective August 14, 1974.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of pronghorn antelope by gun on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of pronghorn antelope, subject to the following special conditions:

(1) Hunting is permitted from 12:00 noon c.d.t. September 20, 1974 to sunset of that day, and from sunrise to sunset of each day from September 21 through September 29, 1974

(2) Hunting will be by permit only. The North Dakota Game and Fish Department will determine the number of permits to be issued for Audubon Refuge.

(3) All hunters must exhibit their hunting license, antelope tag and permit, game, and vehicle contents to Federal and State officers upon request.

(4) Vehicular traffic, including the use of boats by hunters is prohibited on the refuge during the antelope season.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 29, 1974.

DAVID C. MCGLAUCHLIN, *Refuge Manager, Audubon National Wildlife Refuge.*

AUGUST 6, 1974.

[FR Doc.74-18620 Filed 8-13-74;8:45 am]

# proposed rules



## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR Part 53 ]

### FOUNDATION EXCISE TAXES

### Administration of Private Foundation Excise Taxes; Public Hearing

Proposed regulations under section 6001, etc. of the Internal Revenue Code of 1954, relating to administration of private foundation excise taxes, appear in the FEDERAL REGISTER for Monday, June 17, 1974 (39 FR 20975).

A public hearing on the provisions of such proposed regulations will be held on Thursday, September 12, 1974, beginning at 10 a.m., e.d.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by September 3, 1974. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by September 5, 1974. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page, subject to a minimum charge of $1.00.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on September 11, 1974, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
*Director,*
*Legislation and Regulations Division.*

[FR Doc.74-18730 Filed 8-13-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[14 CFR Parts 21, 43, 45, 65, 91]

[Docket No. 13954; Notice No. 74-29]

### SPECIAL CERTIFICATES

### Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 21 of the Federal Aviation Regulations (FAR's) to limit the issuance of experimental certificates to aircraft engaged in genuine experimental operations, except for certain amateur-built aircraft. Other uses of aircraft for which experimental certificates are presently issued would be accommodated under new special certificate classifications, for which airworthiness standards would be established. Incident to the establishment of the new classifications, the FAA proposes to amend Part 45 to require appropriate markings at cabin and cockpit entrances, and to add appropriate operating limitations in Part 91. Aircraft having the new certificates would be required to be maintained in accordance with Part 43. In addition, it is proposed to amend the maintenance rules of Parts 43 and 91, and the airman certification rules of Part 65 to provide for maintenance of an aircraft having a "custom-built" certificate to be performed by the builder of the aircraft. The FAA believes that these proposals are responsive to the petition of the Experimental Aircraft Association for rulemaking to provide more direct recognition of amateur builders' activities.

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before November 6, 1974, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Present § 21.191 provides for the issuance of experimental certificates for aircraft that are to be operated in any of the seven use classifications described in that section. Since a number of those uses do not involve experimental operations related to the development of aircraft, the FAA believes it is appropriate to remove them from the experimental classification and to establish new classifications for them. Accordingly, it is proposed to amend Part 21 to provide for the issuance of separate special certificates for aircraft that are to be used for the purposes of: (1) Exhibition and air racing; (2) market surveys, sales demonstrations, and customer crew training; (3) research (not related to aircraft development); and (4) operating a custom-built (amateur-built) aircraft. Experimental certificates would continue to be issued under § 21.191 for: (1) Showing compliance with regulations (including those applicable to the newly established classifications); (2) aircraft development; (3) certain crew training; and (4) operating amateur-built aircraft that are certificated pursuant to applications made prior to a date two years after the effective date of the amendment.

Present § 21.181 provides that experimental certificates are effective for one year, unless a shorter period is prescribed by the Administrator. The FAA believes, since an aircraft certificated for use in exhibition and air racing, research, or custom-built aircraft operations, is generally continued in the classification on a permanent basis, that it is appropriate to provide for continuing effectiveness of the certificate for such an aircraft, provided that it is maintained in accordance with the FAR's and is not subjected to a major alteration. Since major alterations on these aircraft cannot be measured against detailed airworthiness requirements, such as are applicable to standard category aircraft, an aircraft in one of the new classifications on which a major alteration was accomplished would have to be certificated in the experimental classification to show compliance with the applicable airworthiness requirements. The FAA believes it is not appropriate to provide certificates of indefinite duration for aircraft certificated in the other new classification (market survey, sales demonstration, and customer crew training), since, in general,

an aircraft is not continued indefinitely in that status. Therefore, it is proposed that those certificates have a duration of one year, unless a shorter period is prescribed by the Administrator.

The proposed amendments would revise present requirements contained in § 21.193 that pertain to all applications for experimental certificates to specify that the applicant is entitled to the certificate when the Administrator approves the required submission, which would include a statement indicating the areas in which operations are to be conducted.

It is further proposed that an applicant for an experimental certificate for the purpose of training the applicant's flight crews would be required to establish an inspection and maintenance program and show that the aircraft had been operated a certain minimum number of hours, in order to provide an improved level of safety for the applicant's flight crews. The inspection and maintenance program would not be approved by the Administrator in view of the necessarily dynamic nature of such a program as it applies to an aircraft in the development stage reflected by an experimental certificate. An applicant for an experimental certificate for the purpose of operating an amateur-built aircraft, would be required to comply with certain placard requirements to inform passengers and other operators of the aircraft's amateur-built status and of any restrictions on acrobatic flight. In this connection, it should be noted that acrobatics would not be permitted with passengers on board, except for pilot training purposes. Finally, § 21.193 would be amended to include the substantive provision in present § 21.191(g), that requires that the major portion of an experimentally certificated amateur-built aircraft be constructed by persons who undertook the project solely for their own education or recreation.

A special certificate for the purpose of exhibition or air racing would be issued under new § 21.194. With the exception that the purpose of exhibition would include exhibiting the aircraft at static displays, the purposes for which the certificate would be issued would be those presently provided for in § 21.191(d) and (e). The proposed requirements regarding flight test area operations would generally require 40 hours of flight under an experimental certificate issued for the purpose before a special certificate for exhibition or air racing would be issued. Other new requirements, that would apply to all applicants under new § 21.194, include: the submission of data on the type and power of engine installed; the maximum airspeed at which the aircraft is to be flown; a statement of the purpose for which the aircraft is to be used; and a finding by the Administrator, after inspection, that the aircraft has no unsafe features or characteristics when operated in accordance with any restrictions or limitations prescribed by him.

Present § 21.195 contains additional requirements and limitations on the issuance of experimental certificates for aircraft that are to be used for market surveys, sales demonstrations, or customer crew training. The section would be amended to provide for the issuance of new special certificates for those purposes. Those eligible to apply under the present section would also be eligible under the revised section, with the addition of an engine manufacturer who installs different engines in a utility aircraft. New requirements are proposed that would condition the issuance of the certificate on findings, by the Administrator, after inspection, and by the applicant, that the aircraft has no unsafe features or characteristics when operated in accordance with any restrictions or limitations the Administrator prescribes; and on the applicant supplying information in the aircraft on all applicable limitations. The present requirement for flight before issuance would be modified from 50 hours to 40 hours for previously uncertificated aircraft. However, since aircraft in the new classification would be required to be maintained in accordance with Parts 43 and 91, the present requirement for a maintenance program would be deleted.

A new § 21.195a is proposed that would contain the particular provisions applicable to the issuance of special airworthiness certificates for aircraft to be used as vehicles in carrying out research activity not related to aircraft development. The FAA believes it is appropriate that an aircraft used for those purposes should be one that does not deviate from its standard configuration except to the extent necessary to perform the research. In this connection, the FAA recognizes that military aircraft often have unique performance or other operational capabilities that might be particularly suited to research operations. Therefore, it is proposed to include them in the class that may be certificated for research, provided they conform to all applicable military specifications and technical orders except to the extent necessary to perform the research operations. The certification of military aircraft would be limited to surplus aircraft of the U.S. Armed Forces that were designed and constructed in the U.S. In addition, it is proposed to include a requirement that any aircraft to be certificated in the research classification would have to be found by the Administrator, after inspection, to have no unsafe features or characteristics when operated in accordance with any restrictions or limitations he prescribes.

Section 21.191(g) of the Federal Aviation Regulations presently provides for the issuance of special certificates in the experimental category for the purposes of operating amateur-built aircraft. In order for an aircraft to be eligible for such a certificate, the major portion of it must have been fabricated and assembled by persons who undertook its construction solely for their own education or recreation. Neither these aircraft nor the operations in which they generally engage are experimental in nature. In addition, the annual renewals of the ever increasing number of experimental certificates issued for operating amateur-built aircraft is an administrative burden that the FAA believes can be alleviated without adversely affecting safety. Accordingly, it is proposed to establish, in new § 21.196, a classification of special certificates for such aircraft, to be called "custom-built" certificates. New § 21.196 would contain a more objective standard regarding what is required of the builder than the present standard. However, since the FAA believes it would be an unreasonable burden to impose the new standards retroactively, aircraft already certificated as "amateur-built" could remain in the experimental classification, unless their owners chose to show compliance with the new standards. To accommodate those persons presently engaged in a project to certificate an aircraft under present § 21.191(g), it is proposed that they could receive experimental certificates, as at present, provided that application was made within two years following the amendment. After that time any home-built aircraft being initially certificated would be required to be in compliance with the standards of new § 21.196. The proposed standards include an extensive, though not exhaustive, list of items that need not be built by the amateur builder, which the FAA believes will decrease the uncertainty involved in determining whether or not the aircraft qualifies for certification in this respect. The proposed rules also include requirements for flight operations under an experimental certificate as a prerequisite to issuance of a "custom-built" certificate, either originally or following a major alteration. These requirements would closely parallel the present practice of requiring certain operations in a flight test area that are established through restrictions in the certificate which are removed when the requirements are met. In addition, it is proposed to require as a condition for certification that there be an "Owner and Operator" manual that includes specified data on the fundamental operation and maintenance requirements of the aircraft. The FAA believes such a manual is necessary in view of the transferability of the aircraft, the potential operation of the aircraft by persons not closely associated with its development, the needs of subsequent owners for information upon which to obtain maintenance services that meet Part 43 requirements, and the needs of the FAA and of persons performing maintenance for information on which to judge the adequacy of maintenance. In this connection, it should be noted that amendments to §§ 43.3, 43.7, and a new § 65.102 are proposed that would permit the builder of a "custom-built" aircraft to perform maintenance on the aircraft. The FAA believes this is appropriate in view of the specialized knowledge such a person would have concerning the aircraft. Finally, it is proposed that each "custom-built" aircraft be appropriately placarded to inform passengers and other operators of its

special status and of any restrictions on acrobatic flight. In this connection, it should be noted that acrobatic flight would not be permitted with passengers on board, except for pilot training purposes.

In view of the proposed establishment of new classifications of non-standard certificates, rules are proposed in Part 91 that would be applicable to the operation of aircraft that would have the new certificates. The proposed rules, which are contained in proposed new § 91.44, are similar to those presently applicable to existing non-standard classifications, and would limit operations in all cases to those for which the certificate was issued. Operations involving the carriage of persons or property for compensation or hire would be permitted only for customer crew training, and, as necessary, for research operations, in aircraft that are certificated for those purposes. In this connection, it is proposed to amend present § 91.42, that applies to aircraft in the experimental classification, to delete requirements in paragraphs (b) and (e) that are certification requirements covered by Part 21. It is also proposed that an aircraft having one of the new certificates for the purpose of such flight have a recent inspection prior to performing acrobatics at an airshow or participating in a closed course air race. In addition, it is proposed to require that operators of custom-built aircraft advise passengers of the status of the aircraft, operate VFR, day only, unless otherwise authorized, and that each custom-built aircraft be maintained in accordance with its "Owner and Operator" manual.

It should be noted that the proposals contained in this Notice deal with certain subjects for which proposals were received for the 1974–75 Airworthiness Review Program (Notice 74–5; 39 FR 5785). As indicated in Notice 74–5A, Notice of Availability and Invitation to Submit Comments (39 FR 18662), the proposals included in the Compilation of Proposals of the Airworthiness Review Program that relate directly to issues covered in separate rulemaking actions initiated by the FAA will be removed from further consideration during the Airworthiness Review. In that light, Proposals Nos. 35 and 498, on §§ 21.191(h) and 91.42(a)(2), respectively, proposed by Flight Systems, Inc., are removed from consideration in the Airworthiness Review Program since the issues to which they relate are covered by this Notice and this Notice would not be comprehensive without those proposals being covered.

(Sections 313(a), 601, 602, 603, and 608, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, 1423, and 1428), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

In consideration of the foregoing, it is proposed to amend Parts 21, 43, 45, 65, and 91 as follows:

1. The table of contents of Part 21 is amended by adding the following new sections as follows:

Sec.

* * * * *

21.194 Special certificates: exhibit and air racing

* * * * *

21.195a Special certificates: research
21.196 Special certificates: custom-built aircraft.

1a. By revising paragraph (b) of § 21.175 to read as follows:

§ 21.175 Airworthiness certificates: classification.

* * * * *

(b) The following are special airworthiness certificates:

(1) Restricted certificates.
(2) Limited certificates.
(3) Provisional certificates.
(4) Experimental certificates.
(5) Research certificates.
(6) Custom-built certificates.
(7) Exhibition and air racing certificates.
(8) Market survey, sales demonstration, and customer crew training certificates.
(9) Special flight permits.

2. By revising paragraph (a)(3) and adding new paragraph (a)(4) to § 21.181 to read as follows:

§ 21.181 Duration.

(a) * * *

(3) The following certificates are each effective for one year after the date of issue or renewal unless a shorter period is prescribed by the Administrator:

(i) Experimental certificates.

(ii) Market survey, sales demonstration, and customer crew training certificates.

(4) The following certificates are effective so long as the maintenance, preventive maintenance, and minor alterations are performed in accordance with Parts 43 and 91 of this chapter and no major alteration, as defined in Appendix A to Part 43 of this chapter, is performed:

(i) Custom-built certificates.

(ii) Exhibition and air racing certificates.

(iii) Research certificates.

* * * * *

3. By revising § 21.191 to read as follows:

§ 21.191 Experimental certificates.

Experimental certificates are issued for the following purposes:

(a) *Aircraft development.* Testing new aircraft design concepts, new aircraft equipment, and new aircraft installations with either an aircraft to which the design concepts, equipment, or installations are directly applicable, or with an aircraft that is operated by its manufacturer in developing his future designs.

(b) *Showing compliance with regulations.* Conducting flight tests and other operations to show compliance with applicable airworthiness regulations including flight to show compliance for issuance of type and supplemental type certificates and airworthiness certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations.

(c) *Crew training.* Training of the applicant's flight crews for the purpose of conducting operations specified in paragraph (a) or (b) of this section. Airplanes certificated for any purpose specified in paragraph (a) or (b) of this section may also be certificated for this purpose.

(d) *Operating amateur-built aircraft.* Operating an amateur-built aircraft for which an experimental certificate for the purpose of such operation was issued pursuant to an application made prior to (the date two years after the effective date of this amendment).

* * * * *

4. By revising § 21.193 to read as follows:

§ 21.193 Experimental certificates: general.

(a) Except as provided in paragraphs (b) and (c) of this section, an applicant for an experimental certificate is entitled to that certificate when the Administrator approves the following:

(1) A statement, in form and manner prescribed by the Administrator, setting forth the purpose for which the aircraft is to be used.

(2) Enough data (such as photographs) to identify the aircraft.

(3) Any pertinent information found necessary by the Administrator, upon inspection of the aircraft, to safeguard the general public.

(4) The areas over which operations will be conducted including, as applicable, the flight test area to be assigned by the Administrator for showing that:

(i) The aircraft is controllable throughout its normal range of speeds and throughout all maneuvers to be performed; and

(ii) The aircraft has no unsafe operating characteristics or design features.

(b) An applicant for an experimental certificate for an aircraft to be used for training the applicant's flight crews is entitled to that certificate if, in addition to meeting the requirements of paragraph (a) of this section:

(1) He has established a maintenance program for the continued airworthiness of the aircraft; and

(2) He shows that the aircraft has been flown for at least 40 hours, except that for a type certificated aircraft that has been modified, 5 hours is sufficient.

(c) An applicant for an experimental certificate for the purpose of operating an amateur-built aircraft as provided for in § 21.191(d) is entitled to that certificate if, in addition to meeting the requirements of paragraph (a) of this section:

(1) He makes original application prior to (the date two years after the effective date of this amendment) or has a currently effective certificate for the purpose;

(2) The major portion of the aircraft has been fabricated and assembled by persons who undertook the project solely for their own education or recreation; and

(3) The aircraft contains the following placards as applicable, displayed in full view of all occupants:

(i) A placard with the words "*Warning*—This aircraft is amateur-built and has not been shown to comply with the safety standards of the Federal Aviation Regulations for standard category aircraft."

(ii) A placard containing an operating limitation against acrobatics except those that the Administrator has found, through demonstration by the applicant in a flight test area, can be safely performed.

(iii) A placard containing an operating limitation against otherwise permissible acrobatics while carrying passengers, except when all passengers are carried for pilot training purposes.

5. By adding a new § 21.194 to read as follows:

**§ 21.194 Special certificates: exhibition and air racing.**

(a) Any person eligible under § 21.173 of this Part may apply for a special certificate for an aircraft that is to be used solely for any combination of:

(1) Exhibition at air shows;

(2) Exhibition at static displays;

(3) Participation in motion picture, television, and similar productions;

(4) Participation in air races; and

(5) The establishment and maintenance of necessary flight proficiency, and flying to and from air shows, displays, productions, and racing events.

(b) An applicant for a special certificate under this section is entitled to that certificate if:

(1) The Administrator approves a statement, in form and manner prescribed by him, setting forth each purpose for which the aircraft is to be used;

(2) The Administrator approves either:

(i) Evidence of operations that demonstrate that the aircraft has no unsafe features or characteristics when used for the purposes set forth in accordance with paragraph (b)(1) of this section; or

(ii) Evidence that the aircraft has been operated in a flight test area for 40 hours in accordance with an approved test procedure carried out under an experimental certificate, except that the time may be shortened if the Administrator finds that the aircraft design and construction have been shown to be reliable in aircraft of the same design and that the aircraft has no unusual features or characteristics, or the time may be lengthened if the Administrator finds that additional testing is required to determine that the aircraft has no unsafe features or characteristics;

(3) The Administrator approves data specifying the type of engine installed, the horsepower or thrust rating of the engine, and the maximum airspeed in knots that the aircraft will be flown; and

(4) The Administrator finds, after inspection of the aircraft, that it has no unsafe features or characteristics when operated in accordance with any restrictions or limitations that he prescribes as necessary in the interest of safety, including special operating limitations found necessary for:

(i) Jet powered aircraft;

(ii) Propeller-driven aircraft of over 800 horsepower and capable of airspeeds over 250 knots; or

(iii) Aircraft to be used for acrobatics or for air racing.

6. By revising the heading and text of § 21.195 to read as follows:

**§ 21.195 Special certificates: market surveys, sales demonstrations, and customer crew training.**

(a) A manufacturer of aircraft manufactured within the United States may apply for a special certificate for an aircraft manufactured by him that is to be used for any combination of market surveys, sales demonstrations, or customer crew training.

(b) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by him within the United States, may apply for a special certificate for the aircraft to permit its use for any combination of market survey, sales demonstrations, or customer crew training, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

(c) An applicant for a special certificate under this section is entitled to that certificate if, in addition to meeting the eligibility requirements of either paragraph (a) or (b) of this section:

(1) The Administrator finds, after inspection of the aircraft, that it has no unsafe features or characteristics when operated in accordance with any restrictions or limitations that he prescribes as necessary in the interest of safety;

(2) The applicant submits a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations;

(3) The applicant has operated the aircraft, in a flight test area under an experimental certificate for at least 40 hours, except that for a type certificated aircraft that has been modified, 5 hours is sufficient; and

(4) The aircraft is supplied with an aircraft flight manual or other document and appropriate placards containing all applicable limitations.

7. By adding a new § 21.195a to read as follows:

**§ 21.195a Special certificates: research.**

(a) Any person eligible under the provisions of § 21.173 of this Part may apply for a special certificate for an aircraft that is to be used solely for any combination of testing new aircraft equipment, new aircraft installations, new aircraft operating techniques, and new uses for aircraft.

(b) An applicant for a special certificate under this section is entitled to that certificate if:

(1) The aircraft either:

(i) Is eligible for a standard airworthiness certificate except for those alterations necessary to perform the research operations; or

(ii) Is one that was designed and constructed in the United States, accepted for operational use, and declared surplus by an Armed Force of the United States, and conforms to all applicable military specifications and technical orders, except for those alterations necessary to perform the research operations; and

(2) The Administrator finds, after inspection of the aircraft, that it has no unsafe features or characteristics when operated in accordance with any restrictions or limitations that he prescribes as necessary in the interest of safety.

8. By adding a new § 21.196 to read as follows:

**§ 21.196 Special certificates: custom-built aircraft.**

(a) Any person eligible under § 21.173 of this Part may apply for a special certificate for operating a custom-built aircraft.

(b) An applicant for a special certificate under this section is entitled to that certificate if the aircraft meets the following:

(1) It has a currently effective experimental certificate issued for the purpose of operating an amateur-built aircraft or showing compliance with this section.

(2) It has been fabricated and assembled by persons who undertook the construction project solely for their own education or recreation, and was built using raw materials, including preformed panels or parts, extrusions, castings, and forgings, except that the following manufactured items may be used:

(i) Engines and accessories.

(ii) Rotor blades and hubs.

(iii) Propellers.

(iv) Instruments.

(v) Wheels.

(vi) Tires.

(vii) Brakes.

(viii) System components and parts including pumps, actuators, hydraulic lines, and fittings.

(ix) Standard aircraft or commercial hardware including nuts, bolts, pins, handles, and knobs.

(x) Individual components from previously type certificated aircraft.

(3) It has an "Owner and Operator" manual that includes the following:

(i) A description of the aircraft (photos or drawings).

(ii) The specification of all materials used in the construction.

(iii) Details of engine and propeller if other than type certificated or if used beyond type certificated limits.

(iv) Weight and balance information.

(v) All operating restrictions and limitations prescribed by the Administrator under paragraph (a)(4) of this section.

(vi) Descriptions of all systems.

(vii) Lubrication instructions setting forth the frequency, and the lubricants and fluids which are to be used.

(viii) Pressures, electrical capacities, and electrical loads.

(ix) Tolerances and adjustments necessary for proper functioning of the aircraft and systems.

(x) The methods and frequency of inspection, overhaul, testing, repairs, installation, and service.

(xi) Special techniques for determining the condition of the aircraft and components, if applicable.

(xii) A list of special tools.

(xiii) The life limits of components, if applicable.

(4) It has been found by the Administrator, after inspection, to have no unsafe features or characteristics when operated in accordance with any restrictions or limitations that he prescribes as necessary in the interest of safety.

(5) It has been operated safely under an experimental certificate in an area designated by the Administrator:

(i) For 40 hours, if equipped with an engine certificated in accordance with Part 33 of this chapter and operated within type certificated limits; or

(ii) For 60 hours, if equipped with any other engine.

The times specified in this subparagraph may be shortened if the Administrator finds the aircraft design and construction have been shown to be reliable in other aircraft of the same design and that the aircraft has no unusual features or characteristics, or may be lengthened if the Administrator finds that additional testing is required to ensure that the aircraft has no unsafe features or characteristics.

(6) It contains the following placards, as applicable, in full view of all occupants:

(i) A placard with the words: "Warning this aircraft is custom-built and has not been shown to comply with the safety standards of the Federal Aviation Regulations for standard category aircraft."

(ii) A placard containing an operating limitation against acrobatics except those that the Administrator has found, through demonstration by the applicant in a flight test area, can be safely performed.

(iii) A placard containing an operating limitation against otherwise permissible acrobatics while carrying passengers except when all passengers are carried for pilot training purposes.

(c) A previously certificated custom-built aircraft that has undergone a major alteration as defined in Part 43 of this chapter and subsequently has been operated safely under an experimental certificate for 10 hours in an area designated by the Administrator to ensure that the major alteration does not adversely affect safety, is eligible for a custom-built certificate, except that the 10-hour period may be shortened or lengthened if the Administrator finds that, for a specific major alteration, a shorter time is sufficient or a longer time is required, to ensure that the major alteration does not adversely affect safety.

(d) A special certificate for operating a custom-built aircraft authorizes those operations covered by a special certificate for exhibition and air racing, but not those operations covered by any other special certificate.

9. By adding a new § 43.3(j) to read as follows:

§ 43.3 Persons authorized to perform maintenance, preventive maintenance, rebuilding, and alterations.

* * * * * *

(j) The builder of an aircraft that has a custom-built certificate, who is the holder of a repairman certificate (custom-built) for that aircraft, issued under this chapter, may perform maintenance, preventive maintenance, rebuilding, and alterations, and 100-hour inspections on that aircraft, as provided in Part 65 of this chapter.

10. By adding a new § 43.7(g) to read as follows:

§ 43.7 Persons authorized to approve aircraft, airframes, aircraft engines, propellers, and appliances for return to service after maintenance, preventive maintenance, rebuilding, or alteration.

* * * * * *

(g) The builder of an aircraft that has a custom-built certificate, who is the holder of a repairman certificate (custom-built) for that aircraft, issued under this chapter may approve that aircraft for return to service, as provided in Part 65 of this chapter.

11. By redesigning § 43.17 as § 43.18, and adding a new § 43.17 to read as follows:

§ 43.17 Maintenance of custom-built aircraft.

Each person performing an inspection or other work on an aircraft certificated as a custom-built aircraft shall perform the inspection and work in accordance with the applicable maintenance provisions in the "Owner and Operator" manual for the particular aircraft.

12. By revising paragraph (b) of § 45.23 to read as follows:

§ 45.23 Display of marks: general.

* * * * * *

(b) When marks that include only the Roman capital letter "N" and the registration number are displayed on a limited or restricted category aircraft or an experimental or provisionally certificated aircraft, or on another aircraft which has a special certificate, except a special flight permit, the operator shall also display, near each entrance to the cabin or cockpit, in letters not less than 2 inches nor more than 6 inches in height, the following, as applicable:

(1) For limited category—the word "LIMITED".

(2) For restricted category—the word "RESTRICTED".

(3) For experimental classification—the word "EXPERIMENTAL".

(4) For provisional clasification—the word "PROVISIONAL".

(5) For exhibition and air racing classification—the word "EXHIBITION".

(6) For market survey, sales demonstration, and customer crew training classification—the words "MARKET SURVEY".

(7) For research classification—the word "RESEARCH".

(8) For custom-built classification—the word "CUSTOM-BUILT".

13. By adding a new paragraph (g) to § 65.101 to read as follows:

§ 65.101 Eligibility requirements: general.

* * * * * *

(g) This section does not apply to the issuance of repairmen certificates (custom-built) under § 65.102.

14. By adding a new § 65.102 to read as follows:

§ 65.102 Repairman certificate (custom-built).

To be eligible for a repairman certificate (custom-built) a person must—

(a) Be the builder of the aircraft to which the certificate is applicable; and

(b) Show to the satisfaction of the Administrator, that he is qualified to perform, maintenance, preventive maintenance, rebuilding, alterations and 100 hours inspections on the aircraft components and parts for which the certificate authorizes such performance.

§ 91.42 [Amended]

15. By deleting paragraphs (b) and (e) of § 91.42 and redesignating paragraphs (c) and (d) as (b) and (c), respectively.

16. By adding a new § 91.44 to read as follows:

§ 91.44 Aircraft having exhibition and air racing, research, custom-built, or market survey, sales demonstration and customer crew training certificates.

(a) No person may operate an aircraft that has an exhibition and air racing, research, custom-built, or market survey, sales demonstration and customer crew training special certificate—

(1) For other than a purpose for which the certificate was issued;

(2) Carrying persons or property for compensation or hire except for—

(i) Customer crew training in an aircraft having a certificate for that purpose; and

(ii) Providing flight crew member training in a research operation, and the carriage of persons, equipment, or material necessary for the accomplishment of a research operation, in an aircraft having a certificate for that purpose;

(3) For the performance of acrobatics at an air show or participation in a closed course air race unless within the previous 25 hours' time in service, the aircraft has been inspected in accordance with Appendix C of Part 43 of this chapter and been returned to service in accordance with that Part;

(4) Except under VFR day only, unless otherwise specifically authorized by the Administrator; and

(5) Without advising each person carried of the special airworthiness status of the aircraft.

(b) In addition to the limitations contained in paragraph (a) of this section, no person may operate an aircraft that has a custom-built certificate except in accordance with the restrictions and limitations contained in its "Owner and Operator" manual, and the placards required by this chapter.

17. By adding a new § 91.161(c) to read as follows:

§ 91.161 Applicability.

* * * * *

(c) The provisions of § 91.171 of this part do not apply to an aircraft having a custom-built certificate.

18. By revising paragraph (a) and adding a new paragraph (d), to § 91.169 to read as follows:

§ 91.169 Inspections.

(a) Except as provided in paragraphs (c) and (d) of this section no person may operate an aircraft unless, within the preceding 12 calendar months, it has had—

* * * * *

(d) No person may operate an aircraft that has a custom-built certificate unless within the preceding 100 hours' time in service or 12 calendar months, whichever provides for the more recent inspection, that aircraft has had a 100-hour inspection and been approved for return to service in accordance with Part 43 of this chapter.

Issued in Washington, D.C. on August 2, 1974.

R. P. SKULLY,
*Acting Director,*
*Flight Standards Service.*

[FR Doc.74-18601 Filed 8-13-74;8:45 am]

## [14 CFR Part 71]

[Airspace Docket No. 74-GL-25]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Columbus, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before September 13, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Fairfield County Airport, Lancaster, Ohio. Additional controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended as indicated below:

COLUMBUS, OHIO

Add "within a 9 mile radius of Fairfield County Airport (latitude 39°45'21" N., longitude 82°39'27" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on July 23, 1974.

R. O. ZIEGLER,
*Acting Director,*
*Great Lakes Region.*

[FR Doc.74-18602 Filed 8-13-74;8:45 am]

## [14 CFR Part 71]

[Airspace Docket No. 74-NE-27]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Newport, Vermont, 700-foot Transition Area (39 FR 554).

As a result of the installation of runway lighting on runway 18-36 at Newport State Airport, night approaches are now authorized for that runway. This will require modification of the effective hours of the existing 700-foot transition area from the present sunrise to sunset operation to operation on a full time 24-hour basis.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received within on or before September 13, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Newport, Vermont, proposes the airspace action hereinafter set forth:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the existing description of the Newport, Vermont, 700-foot Transition Area by deleting the words "This transition area is effective from sunrise to sunset, daily."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on July 26, 1974.

FERRIS J. HOWLAND,
*Director, New England Region.*

[FR Doc.74-18604 Filed 8-13-74;8:45 am]

## [14 CFR Part 71]

[Airspace Docket No. 74-NE-28]

### TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of the Federal Aviation Regulations so as to alter the Augusta, Maine, 700-foot transition area (39 FR 448).

New Standard Instrument Approach Procedures have been established at Augusta State Airport, Augusta, Maine, in accordance with the U.S. Standard for Terminal Instrument Procedures. These new procedures will require the alteration of the existing Augusta, Maine, 700-foot transition area in order to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 13, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by

contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal[1] contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Augusta, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Augusta, Maine, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center of the Augusta State Airport (latitude 44°19' N., longitude 69°48' W.) and within 6.5 miles northeast and 9.5 miles southwest of the 328° bearing extending 24 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on July 26, 1974.

FERRIS J. HOWLAND,
*Director, New England Region.*

[FR Doc.74-18603 Filed 8-13-74;8:45 am]

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## [14 CFR Part 71]

[Airspace Docket No. 74-NE-29]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Hartford, Connecticut, 700-Foot Transition Area (39 FR 506).

A new back-course localizer instrument approach will be established for Runway 24 at Bradley International Airport, Windsor Locks, Connecticut. This will require alteration of the Hartford, Connecticut, 700-foot transition area so as to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before September 13, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal[1] contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hartford, Connecticut, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hartford, Connecticut, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 6.5 miles southeast and 4 miles northwest of the Bradley International Airport back-course localizer northeast course, extending from the 11.5-mile radius area to 19.5 miles northeast of the Bradley International Airport; within 4.5 miels northwest and 16.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center 41°45'10" N., 72°37'25" W. of the Rentschler Field, East Hartford, Conn.; within 3.5 miles each side of a 139° bearing from the Brainard NDB extending from the NDB to 11.5 miles southeast of the NDB; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VORTAC; within 2 miles each side of the Hartford VORTAC 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VORTAC; within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest; excluding those portions that coincide with the Chicopee Falls, Mass. 700-foot Transition Area.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on July 26, 1974.

FERRIS J. HOWLAND,
*Director, New England Region.*

[FR Doc.74-18605 Filed 8-13-74;8:45 am]

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[1] Map filed as part of the original documents.

[1] Map filed as part of the original document.

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## Federal Highway Administration

## [49 CFR Parts 390, 391, 392, 393, 395, 396]

[Docket No. MC-50; Notice No. 74]

## LIGHTWEIGHT VEHICLES FROM FEDERAL MOTOR CARRIER SAFETY REGULATIONS

### Proposed General Exemption

The Director of the Bureau of Motor Carrier Safety is considering the issuance of a broad general exemption from the Federal Motor Carrier Safety Regulations applicable to most lightweight motory vehicles which operate in interstate or foreign commerce and to drivers engaged wholly in the operation of those vehicles. The exemption would apply to commercial motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less (or, in the case of vehicles manufactured before gross vehicle weight ratings were required to be assigned, a gross weight of 10,000 pounds or less) and which do not transport either passengers for hire or hazardous materials of a type or quantity which would require the vehicle to be marked or placarded under Federal Hazardous Materials Regulations.

This proceeding was begun on July 17, 1973, when the Director issued an advance notice of proposed rulemaking (38 FR 19692). In the notice, the Director indicated that he was in receipt of petitions for rulemaking, seeking exemption from the Safety Regulations for all lightweight vehicles or certain of them, together with an exemption for drivers who drive those vehicles. The advance notice solicited comments from interested persons on the advisability of creating additional exemptions of that character. It also announced that a series of three public hearings would be conducted to permit interested persons to state their views orally. A series of three hearings was held in different locations in September, October, and November 1973. The transcript of the hearings was among the documents studied by the Bureau.

The Bureau also received a number of written comments and informal letters directed to the proposal contained in the advance notice. The written responses to the notice included a petition signed by 267 persons who say they are commercial vehicle drivers, opposing the proposal. The majority of the comments which had substantive content supported the issuance of a broad exemption for light weight vehicles. The principal reasons asserted by those favoring an exemption were as follows:

1. Lightweight vehicles are not basically used for transportation of property as a primary business but are for the most part used as incidental transportation during the course of some other business.

2. The Federal Motor Carrier Safety Regulations already provide for many exemptions for lightweight vehicles, and an across-the-board exemption would

have little impact on the coverage of the total regulatory scheme.

3. The lightweight commercial truck has many of the same operating characteristics, and requires the same driving skills, as a passenger car, a vehicle which is adequately regulated under State and local traffic laws.

4. It would be difficult for the Bureau to establish a program of surveillance covering the thousands of small businessmen who operate small trucks in interstate commerce and who have no knowledge of the Federal Motor Carrier Safety Regulations. Expenditure of the resources needed to reach these small businessmen would not be conducive to uniform and effective administration of the Regulations.

5. The States now have sufficient rules and enforcement programs to exercise effective and adequate control of the safety of operation of lightweight vehicles. In most States, classified licenses are issued, and a different class of license is required for operation of a lightweight vehicle than is required to operate a heavier vehicle. Further, the effect of the Federal Highway Program Standards has been, and will continue to be, to improve safety of operation of lightweight vehicles.

6. Exemption of lightweight vehicles would remove a heavy administrative and economic burden from the small vehicle operators who are presently attempting to comply with Federal Motor Carrier Safety Regulations. Concomitantly, it would free the Bureau to concentrate its resources on more significant safety problems resulting from the operation of medium- and heavy-duty commercial vehicles.

7. The majority of lightweight vehicles operate only in a single municipality or its commercial zone. These vehicles are exempt from most features of the regulatory scheme at present, under existing administrative exemptions. Exemption of all lightweight vehicles would, therefore, represent only a minor and limited extension of the existing situation.

8. Accident report data, including the Bureau's records, seem to show that vehicles with a gross vehicle weight rating of 10,000 pounds or less do not, as a class, experience accidents as severe as those experienced by heavier vehicles.

9. Finally, proponents of exempting lightweight vehicles say that the Bureau's primary mission is to give special attention to the safety of medium- and heavy-duty motor vehicles which operate in long-haul interstate or foreign commerce. They argue that regulation of local, short-haul service vehicles unduly diverts resources from that primary mission.

Opposition to a blanket exemption of lightweight vehicles has been voiced by individual drivers, the Teamsters Union, and by other organizations representing drivers. Generally speaking, the opponents contend that while there are cases in which lightweight vehicle operations should be exempted, the exemption should be tempered by application of selectivity factors to ensure that the Bureau does not oust itself of jurisdiction over motor carrier operations that should fall under the Federal Motor Carrier Safety Regulations. The legitimate interests of small business concerns which use lightweight trucks essentially as a means of transporting service personnel and their equipment or to make local deliveries could be recognized, opponents urge, without instituting an exemption that would cover fleet operations of regulated motor carriers.

Thus, it has been suggested that the Bureau should limit any exemption to tow trucks, driver-mechanic operations, and driver-salesman operations. Another suggestion is to apply the exemption for lightweight vehicles only to small business concerns (appropriately defined), but not to fleet operations. On the same tack, one comment said that carriers holding a certificate or permit issued by the Interstate Commerce Commission should not be allowed to avail themselves of a lightweight vehicle exemption. Finally, some opponents of a blanket exemption urged the Bureau to restrict it to the operations of a driver who, operating a lightweight vehicle, spends less than three and one-half hours per day at driving the vehicle.

In all of this, there was little in the way of new information, evidence, or data supporting denial of the petitions for rulemaking.

The Bureau has performed an analysis of accident data in its files as the result of accident reports for the year 1973 pertaining to lightweight vehicles. The analysis was limited to accidents which were reported and which involved lightweight vehicles. It was apparent, however, that the death and property damage rates for accidents involving vehicles have a GVWR or 10,000 pounds or less were less than they were for all weight classes of vehicles. The injury rate for accidents involving these vehicles was slightly higher. These findings appear to be explainable by the fact that the smaller vehicles operate at lower speeds in high-density areas, since they tend to be used in local pickup and delivery operations. When the data base used for purposes of analysis was expanded to include accidents involving vehicles with a GVWR of 10–16 thousand pounds, the accident severity frequency rose sharply.

These findings appear to confirm the general notion that a gross vehicle weight rating of 10,000 pounds is a valid benchmark to distinguish lightweight vehicles from medium- and heavy-duty motor vehicles. Both the Federal Motor Vehicle Safety Standards and the Federal Motor Carrier Safety Regulations use that figure to distinguish between motor vehicles that have the basic operating characteristics of passenger cars and motor vehicles that are significantly different from passenger cars by reason of their size, weight, construction, and configuration.

The Director is not at this time giving further consideration to the request that lightweight vehicles should be exempted from the accident-reporting requirements of Part 394 of the Federal Motor Carrier Safety Regulations. Although some have argued that the Bureau's accident statistics would be distorted if accidents involving lightweight vehicles were reported, the fact is that the Bureau's new data-processing machinery is easily programmed to separate out data relating to lightweight vehicles and to print out data relating only to heavier vehicles, if it is wanted. If an exemption for lightweight vehicles is issued, moreover, it is important for the Bureau to be able to monitor the safety performance of those vehicles, so that the exemption could be wholly or partially revoked if it were shown that a full exemption is inadvisable. The data base for monitoring the performance of lightweight vehicles would be incomplete if the Bureau did not have available to it accident reports by motor carriers who operate those vehicles. Accordingly, the Director proposes to retain the accident-reporting requirements for motor carriers who operate lightweight vehicles and who are now required to file reports on accidents in which those vehicles are involved. The Bureau intends to make increased efforts to ensure that carriers who should be filing reports on their lightweight vehicle accidents are in fact doing so.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety proposes to amend Subchapter B of Chapter III in Title 49, CFR as set forth below.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed amendments. All comments submitted should refer to the docket number and notice number that appear at the top of this document. Comments should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. All comments received before the close of business on October 21, 1974 will be considered before further action is taken. Comments will be available for examination by any interested person in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW., Washington, D.C., both before and after the closing date for comments.

This notice of proposed rulemaking is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on August 7, 1974.

ROBERT A. KAYE,
*Director, Bureau of Motor Carrier Safety.*

## PART 390—MOTOR CARRIER SAFETY REGULATIONS: GENERAL

I. A new § 390.17 would be added to Subpart A of Part 390, reading as follows:

* * * * *

§ 390.17 Lightweight vehicle.

(a) Except as provided in paragraph (b) of this section, the term "lightweight vehicle" means a vehicle that—

(1) was manufactured on or after January 1, 1972 and has a manufacturer's gross vehicle weight rating of 10,000 pounds or less; or

(2) was manufactured before January 1, 1972 and has a gross weight, including its load, of 10,000 pounds or less.

(b) The term "lightweight vehicle" does not include—

(1) a vehicle that is used to transport passengers for hire;

(2) a vehicle that is used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title;

(3) a vehicle that is towing, or is being towed by, another vehicle; or

(4) a vehicle that is engaged in a driveaway-towaway opertion.

## PART 391—QUALIFICATIONS OF DRIVERS

II. In Part 391, §§ 391.2 and 391.3 would be amended, and § 391.62 would be revoked, as follows:

A. Section 391.2 would be amended by revising paragraph (b) to read as set forth below and by revoking paragraph (f).

§ 391.2 General exemptions.

* * * * *

(b) *Lightweight vehicle drivers.* The rules in this Part do not apply to a driver who drives only a lightweight vehicle (as defined in § 390.17 of this Chapter).

* * * * *

(f) [Revoked]

B. Section 391.3 would be amended by revising paragraph (d) to read as follows:

§ 391.3 Definitions.

* * * * *

(d) The term "farm vehicle driver" means a person who drives only a motor vehicle that is—

(1) Controlled and operated by a farmer; and

(2) Being used to transport either—

(i) Agricultural products; or

(ii) Farm machinery, farm supplies, or both, to or from a farm; and

(3) Not being used in the operations of a common or contract carrier; and

(4) Not carrying hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with § 177.823 of this title; and

(5) Being used within 150 miles of the farmer's farm.

§ 391.62 [Revoked].

C. Section 391.62 would be revoked.

## PART 392—DRIVING OF MOTOR VEHICLES

III. Paragraph (d) of § 392.1 would be revised to read as follows:

§ 392.1 Scope of the rules in this part.

* * * * *

(d) *Lightweight vehicles.* The rules in this part do not apply to the operation of a lightweight vehicle (as defined in § 390.17 of this Chapter).

## PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

IV. Paragraph (c) of § 393.1 would be revised to read as follows:

§ 393.1 Scope of the rules in this part.

* * * * *

(c) *Lightweight vehicles.* The rules in this part do not apply to a lightweight vehicle (as defined in § 390.17 of this Chapter).

## PART 395—HOURS OF SERVICE OF DRIVERS

V. In Part 395, §§ 395.1, 395.3, and 395.8 would be amended as follows:

A. Section 395.1 would be amended by revising paragraph (b) to real as follows:

§ 395.1 Compliance with, and knowledge of, the rules in this part.

* * * * *

(b) *Lightweight vehicles.* The rules in this part do not apply to a driver who drives only a lightweight vehicle (as defined in § 390.17 of this Chapter).

B. Section 395.3 would be amended by revising paragraph (b) to read as follows:

§ 395.3 Maximum driving and on-duty time.

* * * * *

(c) The rules in paragraphs (a) and (b) of this section do not apply to drivers of motor vehicles engaged solely in making deliveries for retail stores after December 9 and before December 26 of each year.

* * * * *

§ 395.8 [Amended].

C. In paragraph (b) of § 395.8, subparagraph (2) would be revoked.

## PART 396—INSPECTION AND MAINTENANCE

VI. Paragraph (c) of § 396.1 would be revised to read as follows:

§ 396.1 Scope of the rules in this part.

* * * * *

(c) *Lightweight vehicles.* The rules in this part do not apply to the operation of a lightweight vehicle (as defined in § 390.17 of this Chapter).

[FR Doc.74-18626 Filed 8-13-74;8:45 am]

## Hazardous Materials Regulations Board

[49 CFR Part 174]

[Docket No. HM-120; Notice No. 74-11]

## FREIGHT CARS

### Switching of Placarded "Dangerous"

The Hazardous Materials Regulations Board is considering amendment of § 174.589, of Title 49 Code of Federal Regulations, which prescribes the requirements for handling placarded freight cars carrying hazardous materials.

As a result of preliminary findings concerning the catastrophic tank car explosions at Decatur, Illinois, on July 19, 1974, and Wenatchee, Washington, on August 6, 1974, the Board believes that § 174.589 should be amended to prevent further occurrences. Although the National Transportation Safety Board has not yet completed its investigation of these accidents nor determined their probable cause, it appears that the Decatur accident may have occurred as a result of rough handling and that rough handling of freight cars placarded "Dangerous" during switching operations may have contributed to the Wenatchee accident.

The proposed changes in § 174.589 are described below:

*Paragraph (c).* It is proposed to expand the provisions of this section to include freight cars placarded "Dangerous." This would prohibit the uncoupling or cutting off of these cars while they are in motion, the striking of these cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling but in no case at a speed of more than 4 m.p.h.

*Paragraph (d).* It is proposed to delete this paragraph as surplusage since all freight cars placarded "Dangerous" would be required to be handled in accordance with the provision of paragraph (c).

Pursuant to the provisions of section 102(2)(c) of the National Environmental Policy Act (42 USC 4321, et seq.), the Board has considered the requirements of that Act concerning Environmental Impact Statements and has determined that the amendments proposed in this notice would not have a significant impact on the quality of human environment within the meaning of that Act. Accordingly, an Environmental Impact Statement is not necessary and will not be issued with respect to the proposed amendments.

In consideration of the foregoing, it is proposed to amend 49 CFR Part 174 as follows:

In § 174.589, paragraph (c) would be revised; paragraph (d) would be deleted; paragraphs (e) through (n) would be redesignated paragraphs (d) through (m) respectively as follows:

§ 174.589 Handling cars.

* * * * *

(c) *Switching of Placarded Cars.* A car placarded "Dangerous", "Explosives", "Poison Gas", or "Flammable

Poison Gas", or any flat car carrying a trailer placarded "Explosives", "Poison Gas", "Dangerous", or "Dangerous-Radioactive Material" shall not be cut off while in motion. No car moving under its own motion shall be allowed to strike any car placarded "Dangerous", "Explosives", "Poison Gas", or "Flammable Poison Gas", or any flat car carrying a trailer placarded "Explosives", "Poison Gas", "Dangerous", or "Dangerous-Radioactive Material" nor shall any such car be coupled into with more force than is necessary to complete the coupling but in no case at a speed of more than 4 m.p.h.

(1) When transporting a car placarded "Explosives" in terminals, yard, side tracks, or sidings such cars shall be separated from the engine by at least one nonplacarded car.

(2) Closed cars placarded "Explosives" shall have doors closed before they are moved.

(d) [Deleted]

* * * * *

Interested persons are invited to present their views on these proposals. Communications should identify the docket number and be submitted in triplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before September 20, 1974, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215, Trans Point Building, Second and V Streets, SW., Washington, D.C. both before and after the closing date for comments. The proposals contained in this notice may be changed in light of the comments received. It is contemplated, due to the serious potential of danger in the handling of cars placarded "Dangerous", that a final rule in this proceeding may be effective in less than 30 days from the date of its publication in the FEDERAL REGISTER.

AUTHORITY: Transportation of Explosives Act (18 U.S.C. 831–835) section 6 of the Department of Transportation Act (49 U.S.C. 1655).

Issued in Washington, D.C., on August 9, 1974.

JOHN W. INGRAM,
*Federal Railroad Administrator*
*Member, Hazardous Materials Regulations Board.*

[FR Doc.74-18750 Filed 8-13-74;8:45 am]

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## National Highway Traffic Safety Administration

## [ 49 CFR Part 571 ]

[Docket No. 74-30; Notice 1]

## DOOR LOCKS AND DOOR RETENTION COMPONENTS

### Proposed Motor Vehicle Safety Standard

This notice proposes an amendment of Motor Vehicle Safety Standard 206, "Door Locks And Door Retention Components," that would clarify in three respects the test procedure for longitudinal and transverse latch load tests. The proposed effective date of the amendment is the final rule publication date.

Safety Standard 206, through its incorporation of SAE Recommended Practice J839b, "Passenger Car Side Door Latch Systems", May 1965, specifies a test procedure for latches for hinged doors that has led to some enforcement difficulty, in that the test equipment is not described in sufficient detail. The first change proposed would require that twelve-gage steel mounting plates be used for both longitudinal and transverse latch load tests. Fig. 1 of SAE J839(b) shows a static longitudinal load test fixture. Its interchangeable latch and striker mounting plate are marked "(recommended gage .12±.010)." Fig. 2 of SAE J839(b) illustrates a transverse (lateral) load test fixture. While the diagram does not specify any particular gage for the mounting plate, it does suggest a heavier, stiffer fixture than Fig. 1. A twelve-gage plate is relatively thin and bends during testing. It seems that the purpose of specifying this gage was to simulate the somewhat flexible mounting surface in the vehicle. Body sheet metal is generally thinner than 12 gage but is strengthened by being formed into its required door post configuration. Standard automobile door latch design practice is not to rely on any mounting stiffness but to design the latch to hold regardless of the degree of twisting or rotation. In some cases, however, a manufacturer has tested with a rigid plate, which allows a latch to withstand much higher loads than could be withstood as mounted in the vehicle. Test results with a stiff plate bear no consistent relationship to those with a twelve-gage plate. Therefore, a required standard plate stiffness is needed. A twelve-gage plate is recommended because a flexible plate better approximates actual vehicle mounting, and so that the same test fixture can be used for both tests.

The second proposed clarification would require that the same attachment hardware used to fasten the latch and striker to the vehicle door and frame be used to attach the latch and striker to the test fixture. While most manufacturers presently test with identical hardware, the clarification appears desirable because in several recent cases involving the testing of latches and strikers used in motor homes a test failure occurred when the screws which attached the latch and striker to the door and frame pulled out.

The third suggested change would add a requirement that the test fixture specifically be equipped with 3½-inch-long equalizing links. The SAE test procedure does not cover this point except by illustration. Two test machines are currently in common use and they can provide different test results. One machine used in testing for the NHTSA has a universal joint to the load cell which allows deflection and prevents side loading. As with the mounting plates, allowing angle changes simulates the relatively flexible mounting of most door latches. Another machine, also in widespread use, helps some latches to sustain unrealistically high loads by preventing side motion. As noted earlier, side loading does not usually significantly affect test results because most current latch design practice does not rely on sheet metal stiffness to prevent rotation. However, in close cases or with unusual latch designs the machine chosen will determine whether a mechanism passes or fails. The suggested change would end whatever ambiguity now exists about proper test procedure.

In consideration of the foregoing it is proposed that Motor Vehicle Safety Standard 206, 49 CFR 571.206, be amended as follows:

1. Paragraph S5.1.1.1 would be revised to read:

S5.1.1.1. *Longitudinal and Transverse Loads.* Compliance with paragraphs S4.1.1.1 and S4.1.1.2 shall be in accordance with paragraph 4 of Society of Automotive Engineers Recommended Practice J839b, "Passenger Car Side Door Latch Systems," May 1965, with these modifications:

(a) Twelve-gage steel latch and striker mounting plates shall be used for both longitudinal and transverse load tests;

(b) The latch and striker attachment hardware used in the vehicle shall be used to fasten the mechanisms to the test fixture; and

(c) The test fixture for either latch or striker shall include 3½-inch-long equalizing links, and be connected to the tensile loading device through a universal joint.

2. Paragraph S5.2.1 would be revised to read:

S5.2.1 *Door Latches.* Compliance with S4.2.1 shall be in accordance with paragraphs 4.1 and 4.3 of SAE Recommended Practice J839b, "Passenger Car Side Door Latch System," May 1965, as modified by S5.1.1.1.

Interested persons are invited to submit data, views and arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, that 10 copies be submitted. All comments received before the close of business on the comment closing date indicated below will be considered and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the closing date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue

to examine the docket for new materials.

Comment closing date: August 14, 1974.

Proposed effective date: November 12, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 501.8 and 49 CFR 1.51.)

Issued on August 8, 1974.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.74-18649 Filed 8-13-74;8:45 am]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 221 ]

[Economic Regulations Docket No. 23904; EDR-215A]

### TRANSPORTATION OF PHYSICALLY DISABLED PERSONS

Notice of Proposed Rulemaking

AUGUST 9, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to Part 221 of its Economic Regulations (14 CFR Part 221) to require certificated air carriers to file tariffs containing the rules and regulations relating to the transportation of persons who may need assistance to evacuate the aircraft during an emergency, which rules shall be in conformity with Part 121 of the Federal Aviation Regulations (14 CFR Part 121). The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a), 403, 404, 412, and 1111 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended), 760, 770, 800; 49 U.S.C. 1324, 1373, 1374, 1382, and 1511.

Interested persons may participate in this proceeding through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Individual members of the general public who, as prospective passengers, could be affected by the outcome of this proceeding, may participate in the proposed rulemaking through submission of comments in letter form addressed to the Docket Section at the above address without the necessity of filing additional copies thereof. All relevant material received on or before September 30, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

EXPLANATORY STATEMENT

Section 1111 of the Federal Aviation Act of 1958 (49 U.S.C. 1511) provides as follows:

> Subject to reasonable rules and regulations prescribed by the Secretary of Transportation, any air carrier is authorized to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight.

In the absence of Federal Aviation Regulations providing safety standards relating to the transportation of physically handicapped persons, certificated air carriers have had in effect for a number of years a tariff rule under which they may refuse to accept for transportation any person whose physical condition is such as to render him incapable of caring for himself without assistance, unless the person is accompanied by an attendant for the duration of the flight.[1] In addition, the Board has approved, pursuant to Section 412 of the Act, an inter-carrier agreement which provides certain criteria for the interline transportation of physically handicapped persons.[2]

During the past several years, dissatisfaction with the carriers' handling of paraplegics, quadraplegics, and other classifications of disabled persons under the existing tariff rule and agreement has been increasing. This has been manifest in an increasing volume of letters from disabled persons, disabled veterans groups, and other concerned organizations, as well as by the filing of several informal complaints reciting incidents of alleged refusals by air carriers to accept disabled persons for carriage under circumstances which would appear to be unjustified under the existing tariff rule. To meet the public need evidenced by these comments, the Department of Transportation, at the Board's request,[3] commenced regulatory action looking towards the issuance of safety regulations with respect to this pressing problem. These actions have now resulted in the issuance of a Notice of Proposed Rule Making to amend inter alia Part 121 of the Federal Aviation Regulations to prescribe rules for the safe carriage by air carriers of persons, who because of their physical condition, may require the assistance of others during an emergency evacuation.[4]

In view of this action by the DOT, the Board believes that it is now appropriate to amend Part 221 of its Economic Regulations (14 CFR Part 221) to require that the tariffs of certificated air carriers conform to the FAA regulations.

Traditionally, the carriers have justified their refusal to accommodate unaccompanied handicapped persons on the grounds of air safety—specifically, that in a crash emergency a sick or infirm passenger might not be able to follow the procedures established for expeditious evacuation of the aircraft, thus placing his own life in danger and jeopardizing the lives of the other passengers as well. In the absence of rules or regulations prescribed by the Secretary of Transportation, air carriers have discretion under Section 1111 of the Act to refuse transportation to persons when, in their opinion, such transportation might be inimical to safety. On the other hand, carriers may not rely upon Section 1111 as justification for refusal to transport persons where such transportation is authorized under regulations prescribed by the Secretary, and such refusal would be inconsistent with their obligation to provide transportation upon reasonable request therefor. In addition, the numerous letters we have received from handicapped travelers as well as many of the comments received in response to our advance notice of rule making, indicate that under the present tariff rule many handicapped travelers are being denied transportation under circumstances in which it is not at all certain that safety of flight is threatened, resulting in an unjust discrimination against such individuals in violation of section 404(b) of the Act. For these reasons, we propose adoption of a regulation that would require the carriers' tariffs applicable to the transportation of physically handicapped persons to be in conformance with the regulations of the Secretary of Transportation on this subject, and to prohibit the

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[1] Airline Tariff Publishers, Inc., Agent, Rules Tariff, PR-6, C.A.B. 142, Rule 16(a)(2).

[2] Agreement C.A.B. 10014, approved by Order E-19154, December 31, 1962.

[3] On October 14, 1971, the Board, concerned over increasing public dissatisfaction with air carriers' handling of handicapped persons'? issued an Advance Notice of Proposed Rule Making, EDR-215/PSDR-33, inviting participation by physically handicapped individuals, organizational representatives of the handicapped, interested governmental agencies, the industry, and members of the general public in an effort to determine the scope of the problem, to decide whether promulgation of rules would be appropriate, and if so, to develop proposed rules. 57 comments were received, consisting of 20 from organizational representatives of disabled persons, 5 from governmental agencies, 10 from disabled individuals, 6 from miscellaneous organizations, 2 from scheduled air carriers, and one each from the Air Transport Association of America on behalf of certain of its member carriers, the International Air Transport Association, the Airline Pilots Association, the Aviation Consumer Action Project, and the Administrator of the Federal Aviation Administration. After a review of the comments, the Board concluded that in the absence of clearly defined safety standards in this area, it was not able to perform its statutory function of assuring that certificated air carriers meet their service obligations with respect to the carriage of disabled persons. Accordingly, the Board deferred its own proceeding, and referred the question of developing appropriate safety parameters to the Department of Transportation. Thereafter, on May 30, 1973, the Federal Aviation Administration commenced regulatory action on this problem by issuing an Advance Notice of Proposed Rule Making soliciting comments from interested persons in order to select an appropriate course of action.

[4] 39 FR 24667, July 5, 1974.

filing of tariff rules that would in effect permit a carrier to refuse transportation to a handicapped person under circumstances governed by the FAA regulations.[5]

Furthermore, to the extent the existing inter-carrier agreement on the transportation of the handicapped is inconsistent with the proposed regulations, their adoption would have the effect of voiding the nonconforming portions of the agreement. Accordingly, we would anticipate that the carrier parties would take appropriate action to conform the agreement to the rules finally adopted. However, should the parties not act, we are prepared to implement show-cause procedures to disapprove the offending aspects of the agreement.

An additional matter raised in the Board's advance notice, but unrelated to the issue of appropriate safety considerations, concerns the lawful fare to be charged stretcher passengers and other handicapped passengers required to be accompanied by an attendant.[6] Several respondents contend that requiring handicapped passengers to pay for the transportation of an attendant is unjust and unreasonable, and argue that if a disabled passenger is required to be accompanied by an attendant, free or reduced-rate transportation should be provided. As for stretcher passengers, certain of the respondents contend that the carriers' existing practice of charging multiple fares for carriage of such passengers is unjust. However, the general view of those respondents who addressed their comments to this issue was that such practice was not unreasonable.

The Board has given full consideration to these matters, and has determined that the charging of a full fare to an attendant accompanying a disabled passenger is not unjust or unreasonable, and that the carrier practice of charging multiple fares for stretcher passengers is also not unjust or unreasonable provided, however, that the number of fares charged is reasonably related to the seating capacity otherwise displaced.

To begin with, we note that under the FAA's proposed regulations a handicapped passenger would not automatically be rquired to be accompanied by an attendant in order to be transported. This should ameliorate to a significant extent the financial burden the existing tariff rule places upon handicapped travelers. However, where safety considerations continue to warrant requiring the passenger to be accompanied by an attendant, we cannot find that charging for the fully allocated cost of the capacity actually utilized, whether it be for the seats occupied by a disabled passenger and an attendant, or for the seats displaced by a stretcher passenger plus a seat for an attendant, is unjust or unreasonable.

Furthermore, we do not believe that a carrier's offering free or reduced-rate transportation to the attendant would be permissible under the Act's basic rule of equality. Under section 404(b) of the Act, carriers are prohibited from granting any person any undue or unreasonable preference or advantage and from subjecting any person to unjust discrimination. Thus, carriers may not charge different fares for identical service, nor may they offer more transportation service to one passenger than to another for the same charge, absent justification. While there are exemptions from this statutory requirement set forth in section 403(b) of the Act, none presently exists for the handicapped. Accordingly, any special fares for these passengers must be affirmatively justified. The courts have held, however, that in determining whether a discrimination in fares is justified under the language of the statute, the Board may not consider broad social policies not specifically provided for in the Act or historically considered as relevant to rate regulation in the transportation industry. Transcontinental Bus System, Inc. v. C.A.B., 383 F. 2d 466 (5th Cir. 1967). Accordingly, although we share the concern for the financial burden placed upon handicapped travelers by requiring them to pay added charges for their safe transportation, we cannot find under the existing regulatory framework that reduced fares would be lawful.

It is therefore proposed to amend Part 221 of the Board's Economic Regulations (14 CFR Part 221) as follows:

Amend paragraph (a) of § 221.38 by adding thereto a new paragraph (8) to read as follows:

§ 221.38 Rules and regulations.

(a) * * *

(8) For certificated air carriers, the rules and regulations relating to the transportation of persons who may need assistance to evacuate the aircraft during an emergency. All such provisions shall be in conformity with Part 121 of the Federal Aviation Regulations (14 CFR Part 121), as amended or revised from time to time: *Provided,* That no provision of the Board's regulations issued under this part or elsewhere shall be construed to permit the filing of any tariff rules limiting or conditioning a carrier's obligation to provide transportation and services in connection therewith upon reasonable request therefor to a person who may require assistance of another person in expeditiously moving to an emergency exit of the aircraft in the event of an evacuation except as provided for in said Part 121.

* * * * *

[FR Doc.74-18690 Filed 8-13-74;8:45 am]

[5] In proposing regulations that would require air carriers to accept for transportation handicapped travelers unaccompanied by an attendant, we recognize that this obligation will undoubtedly cause additional burdens and inconveniences to the carrier, particularly during enplaning and deplaning the aircraft. However, there is no reason to believe these added burdens would be undue, and we are of the view that a carrier's failure to provide reasonable assistance to a handicapped traveler would be inconsistent with its obligation to provide transportation upon reasonable request therefor.

[6] Specifically, the Board requested interested persons to address themselves to the following questions: (1) "Is the charging of a full fare to an attendant accompanying a disabled person unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such attendant?" and (2) "Are the current air carrier tariffs, which provide for the charging of multiple fares for a stretcher passenger, unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such passengers?"

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket Nos. 20018-24]

### CABLE TELEVISION

**Proposed Clarification of Rules; Extension of Time for Filing Reply**

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to the advisability of Federal preemption of cable television technical standards or the imposition of a moratorium on non-Federal standards.

1. On April 15, 1974, the Commission adopted a Clarification of Rules and Notice of Proposed Rulemaking relating to various areas of the Rules as stated in the above-numbered dockets. Publication was made on April 22, 1974, in the FEDERAL REGISTER, 39 FR 14288. The National Black Media Coalition filed a "Petition for Reconsideration" of the Clarification on May 22, 1974.

2. On July 29, 1974, the NBMC filed a Motion for an Extension of Time to file its Reply to Buckeye Cablevision, Inc., et al. "Joint Comments and Opposition" to the NBMC Petition for Reconsideration to and including August 23, 1974. Counsel for NBMC states that additional time is necessary to prepare an adequate Reply to the Opposition in the complex and important policy areas encompassed by the Clarification and the associated Rule Makings. Counsel notes that conflicting hearing schedules in other proceedings prevent timely filing in this matter.

3. We are of the opinion that the public interest would be served by extending the time for the filing of NBMC's Reply. Accordingly, *It is ordered,* That the date for filing reply comments by NBMC is extended to and including August 23, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.289 of the Commission's rules.

Adopted: August 6, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
*Chief, Cable Television Bureau.*

[FR Doc.74-18654 Filed 8-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20002; RM-2184]

## FM BROADCAST STATIONS IN FLORIDA

### Table of Assignments; Order Extending Time for Filing Reply Comments (RM-2184 only)

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Marco, Florida; *St. Augustine, Florida;* and Milton, Florida.

1. On April 8, 1974, the Commission adopted a Notice of Proposed Rulemaking in the above-entitled proceeding. The time for filing comments has expired and the date for filing reply comments is presently August 5, 1974.

2. On August 5, 1974, Senator Jack D. Gordon, by his attorneys, requested an extension of time to and including August 19, 1974, in which to file reply comments. Counsel states that the time is necessary due to the press of other office business. Counsel for both WKTX, Inc. and the City of Jacksonville have authorized counsel for Senator Gordon to state that neither party will interpose any objection to the extension request.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered,* That the date for filing reply comments in RM-2184 only is extended to and including August 19, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 6, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] WALLACE E. JOHNSON, *Chief, Broadcast Bureau.*

[FR Doc.74-18653 Filed 8-13-74;8:45 am]

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[47 CFR Part 73]

[Docket No. 20129; RM-1989, RM-1958]

## TABLE OF ASSIGNMENTS, INDIANA

### Notice of Proposed Rulemaking and Memorandum Opinion and Order

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Muncie, Indiana), petition filed by Gravure Corp.

1. Notice of proposed rulemaking is hereby given concerning proposed amendment of § 73.202(b) of the rules, the FM Table of Assignments, by making channel assignments to the above-mentioned cities. We have two petitions for rulemaking before us, one filed by the Gravure Corp. (Gravure) which requests the assignment of Channel 221A to Alexandria, Indiana, as a first assignment, and the other filed by Ball State University (Ball State), the licensee of noncommercial educational FM broadcast Station WBST (FM) (Class D), Muncie, Indiana, which requests that Channel 221A be added to the single existing assignment (Channel 231) at Muncie. Ball State further requests that the assignment of Channel 221A at Muncie be reserved for use by noncommercial educational broadcast stations. In an opposition and counterproposal to the Ball State petition, Muncie Broadcasting Corp. (Muncie Broadcasting) although urging the assignment of Channel 221A to Muncie, proposes that it be assigned as a commercial channel and not as an educationally reserved one. Channel 221A can be assigned to either Muncie or to Alexandria but not to both because the cities are roughly sixteen miles apart.

THE GRAVURE PROPOSAL

2. In support of its request for a first assignment to Alexandria petitioner states that, if Channel 221A is assigned there, it will promptly prepare and file an application for a construction permit. Petitioner says that Alexandria, which is in Madison County, is located about fifty miles northeast of Indianapolis. The population of Alexandria is 5,097 and the population of Madison County is 138,451.[1] Petitioner also states that the city has a mayor-council form of government, eleven full-time policemen and ten full-time firemen. Petitioner indicates that the principal industries within the county consist of six manufacturing operations employing 658 persons. There are two banks and one savings and loan association in Alexandria. It has a newspaper, The Alexandria Times-Tribune, nine churches, elementary, junior and senior high schools, and over twelve civic organizations. Petitioner also states that in addition to the 6,500 persons in Alexandria, the surrounding township contains an estimated 6,000 persons. We are told that Alexandria is an area-wide shopping center located on the Norfolk and Western Railway Line between Cleveland and St. Louis and that there are approximately twenty interstate trucking firms providing service for the community. The city has its own airport and receives bus service from Greyhound and the Hines Lines. Interstate Highway 69 is located four miles to the east of the city.

3. To meet the spacing requirements of the Commission's rules, the Alexandria proposal would require noncommercial educational Station WWHI(FM) Muncie, Indiana, to change its operation from Channel 218 to Channel 217. Station WWHI(FM) has consented to the change provided that it is reimbursed for all expenses, labor and FCC paperwork and provided that the station would not be asked to operate at a lesser power than that at which it is presently operating under its license. Moreover, the antenna site of a station operating on Channel 221A at Alexandria must be located at least five miles east of the city.

4. The present broadcast operations in Madison County, Indiana, are located at Anderson (population 70,787) which is about eleven miles south of Alexandria. They consist of two AM stations and one FM station.

[1] Population figures herein are from the 1970 U.S. Census unless otherwise stated.

THE BALL STATE PROPOSAL

5. Ball State University, at Muncie, Indiana, the licensee of Stations WBST (FM) (Channel 214-10 W) and WIPB (TV) (Channel 49), requests that the Commission assign Channel 221A to Muncie and that the channel be restricted to only noncommercial educational broadcast use.

6. In support of its petition, Ball State claims that the assignment of Channel 221A to Muncie will cause no predictable interference with the present operation of Station WRTV (TV) on Channel 6 in Indianapolis, Indiana. Ball State also avers that restricting this assignment to educational use will cause less preclusion to the lower FM frequencies which are limited to educational broadcast use and that the assignment of Channel 221A would be in furtherance of the Commission's announced objective of providing improved facilities for educational broadcast facilities.

7. The petitioner states that Channel 221A is the only available channel that meets spacing requirements for a new FM assignment at Muncie. Ball State recognizes that in order to make the assignment to Muncie, the Commission must shift the operation of educational Station WWHI(FM), Muncie, Indiana, from Channel 218 to 217. It has obtained consent of Station WWHI(FM), on the condition that Ball State reimburse it for reasonable costs incurred in the shift of channels.

8. As indicated above, the request of Muncie Broadcasting differs from that of Ball State in that it requests that Channel 221A be assigned to Muncie as a commercial frequency rather than be limited to only educational broadcast uses. Muncie Broadcasting agrees with Ball State that the assignment of Channel 221A meets the spacing requirements and would cause no predictable interference to Station WRTV (TV). It, like Ball State, has secured the agreement of WWHI(FM) to shift from Channel 218 to 217 upon the condition of being reimbursed.

9. In support of its contentions, Muncie Broadcasting avers that Muncie had a 1970 population of 69,080; that it is located in Delaware County with a population of 129,219; that Muncie is an employment center for several towns and rural counties; that five manufacturers, including Westinghouse and General Electric, have plants in Muncie, each with an employment of over 500 persons, and with an output including meat products, auto transmissions, storage batteries and transformers; and that the work force in 1972 for Muncie was 49,660 and the unemployment rate was 3.4 percent.

10. Muncie Broadcasting states that data for 1966 showed retail sales for Muncie were $172,800,000 and that Muncie has 22,000 households with a buying income of $199,737,000 amounting to per-family income of $9,079. Comparable figures for Delaware County show retail sales to be $329,748,000, with a per-family income of $9,211. In addition to the downtown

business district, there are three shopping centers which extend over a 25-mile area with 200,000 people. Muncie Broadcasting states that there are three commercial banks with assets of $151 million and also two building and loan associations with assets of $132 million in Muncie.

11. In further support, Muncie Broadcasting says the government of Muncie consists of a mayor and nine councilmen. Muncie Broadcasting also submits information that there are 23 public grade schools, three private or parochial grade schools, three high schools and one vocational school in Muncie with a total enrollment of 19,500. They also point out that the petitioner, Ball State University, has an enrollment of 13,000. We are further given detailed information showing that Muncie has a normal complement of civic organizations, social services, transportational facilities, and cultural and recreational facilities.

12. Muncie has two newspapers, The Muncie Star and The Muncie Evening Press, with a combined circulation of 52,880 Commercial broadcast outlets in Muncie are daytime-only Station WERK (AM), licensed to Muncie Broadcasting, and an AM–FM operation consisting of Class IV Station WLBC(AM) and Station WLBC–FM (Channel 281). Noncommercial educational stations are WBST (FM) and WIPB(TV) (Channel 49), both licensed to Ball State University, and WWHI(FM), licensed to Muncie Community Schools.

13. Muncie Broadcasting urges that the Commission make the requested assignment to Muncie as a commercial assignment because it would create competitive FM interest and would achieve greater media diversity in the area. Ball State points out that much of the data submitted by Muncie Broadcasting is either outdated or erroneous, and contends, as to diversity, that its proposal for an educational frequency would provide greater diversity of media in the Muncie area than if the assignment were made as a commercial assignment.

ENGINEERING CONSIDERATIONS

14. Commission analysis indicates that the assignment of Channel 221A to either Alexandria or Muncie would foreclose future assignments only on Channel 221A in a limited area between the two communities. If the assignment is made to Alexandria, the antenna site must be located five miles east of Alexandria; if it is made to Muncie, the antenna site must be located at least three miles west of Muncie. Analysis of the Alexandria and Muncie proposals further indicates that Channel 221A may be assigned to either of the cities (but not to both), if Station WWHI(FM) at Muncie is required to change its operation from Channel 218 to 217. The only remaining question is whether operation of WWHI (FM) on Channel 217 would cause interference within the service area of Indianapolis Station WRTV(TV). The Commission is concerned with interference to Channel 6 TV operations by FM stations in the lower part of the FM band. It indicated its concern in a Public Notice issued September 1, 1967 (FCC 67–1013), and is presently exploring the FM/Channel 6 interference questions in Docket No. 19183.

15. By letter, McGraw-Hill Broadcasting Company, licensee of television Station WRTV(TV), Indianapolis, Indiana, expressed its concern about interference to its operation from FM stations operating at the low end of the FM spectrum including Channel 221A. It asserted that the proposals to require Station WWHI (FM) to move from Channel 218 to 217 would increase the potential for interference caused by that station to WRTV. However, Stations WBST(FM) and WWHI(FM) are presently operating on Channels 214 and 218, respectively, at Muncie, and no claim has been made that they are causing interference to the television service of Station WRTV (TV) at Muncie. The operation of an FM station on Channel 221A at either community would not affect the service of Station WRTV(TV), and we are of the view the assertion of potential interference from a station operating on that channel as being without foundation.

16. Although it appears that the present operation of Station WWHI(FM) on Channel 218 is not causing interference to the WRTV(TV) service, it is possible that interference might occur on Channel 217. However it is noted that Station WBST(FM) is operating on Channel 214, and no information is available as to whether such operation has encountered interference problems. Station WDHS operates on Channel 210 at Gaston, Indiana, some 10 miles northwest of Muncie. If these stations operating below Channel 217 do not cause interference to the WRTV service, it may be concluded that Station WWHI(FM) operating on Channel 217 with 310 watts and antenna height of 79 feet should not be a problem to Station WRTV(TV). Since we do not believe that this rulemaking proceeding should be held in abeyance pending the resolution of the proceeding in Docket No. 19183, information as to interference, if any, from FM stations to the WRTV(TV) service should be submitted.

DISCUSSION

17. Muncie Broadcasting has previously attempted to have an FM channel assigned to Muncie without success. In 1966, it filed a petition for rule making which was denied (*FM Table of Assignments*, 19 FCC 2d 921 (1969)). That petition, which requested assignment of Channel 221A to Muncie, was not favorably considered because it would have required shifting channels of two educational stations at Hartford and Muncie, Indiana, and it would have had a potential preclusive effect on educational broadcast assignments on the three top educational channels (218, 219 and 220). Moreover, the preclusive impact areas for the three channels were included within the reception area of a Channel 6 TV station, a fact which suggested that future development in the FM educational band in the area should be restricted to the upper educational channels. Muncie Broadcasting amended that proposal to specify Channel 244A instead of Channel 221A. Because the amended proposal involved the shifting of channels of existing FM stations which would have required a waiver of the separation requirements, it was denied.

18. Muncie Broadcasting subsequently again requested the assignment of Channel 244A to Muncie as a second channel there. This would have required shifting of channels of three existing FM stations. This request was also denied, 32 FCC 2d 839 (1972), because it would have resulted in one of the three existing stations losing some of its existing service area.

19. In denying this Channel 244A proposal, the Commission also rejected an alternative proposal of Muncie Broadcasting to assign Channel 221A to Muncie. At that time, as now, Ball State was operating on Channel 214 and Muncie Community Schools was operating on Channel 218. The alternative proposal to assign Channel 221A to Muncie required shifting Muncie Community Schools from Channel 218 to 210. (The proposal did not include shifting the Hartford Channel 220 educational operation, which had been part of the 1966 Channel 221A proposal, since the Hartford station had then gone off the air.) The Commission again took notice of the tight FM channel availabilities with respect to noncommercial educational facilities in Indiana, and the question of FM interference to Channel 6 television stations, and noted that any further expansion of educational FM service in that general area would in all likelihood be on the higher frequencies where the assignment of Channel 221A could well preclude their use.

20. Ball State presently proposes the assignment of Channel 221A as an educationally reserved channel. If Ball State were to operate on Channel 221A, Channel 214 would no longer be in use, and Muncie Community Schools would shift from Channel 218 to 217. This would mean that the channel nearest to TV Channel 6 would be Channel 217 rather than 214 as is presently the case, and would represent a theoretical improvement over the present situation.

21. If Channel 221A were assigned as a commercial channel to Muncie or to Alexandria, Muncie Community Schools would shift from Channel 218 to 217, according to the Muncie Broadcasting and the Gravure proposals. However, those proposals would continue Ball State's present operation on Channel 214, so there would be no improvement in the interference situation regarding Channel 6 television operations at Indianapolis. Moreover, the two FM stations would be operating three channels apart in Muncie which is not an acceptable situation.

22. In view of the foregoing, we believe it in the public interest to propose the assignment of Channel 221A to Muncie as an educationally reserved channel.

The Commission has restricted FM frequencies to educational uses in at least two prior cases (FM Table of Assignments, Waco, Texas, 10 FCC 2d 865, 872; Bloomington, Indiana, FCC 69-1287, 34 FR 18860 (1969)).

23. Accordingly, pursuant to the authority found in Sections 4(i), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, § 73.202(b) as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Muncie, Ind. | 281 | *221A, 281 |

24. *Showings required.* Comments are invited on the proposal discussed above. Proponents will be expected to answer whatever questions are raised in the Notice and other questions that may be presented in initial comments. They are specifically expected to file detailed engineering data concerning interference within the service area of Station WRTV (TV), Indianapolis, Indiana, by an educational station operating on Channel 217 at Muncie, Indiana. Proponents are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their intention to apply for the channel if assigned and, if authorized, to build the station promptly. Failure to do so may lead to denial of the request.

25. *Cut-off procedures.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in the Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

26. *It is further ordered,* That the petition of Gravure Corporation and the counterproposal of Muncie Broadcasting Corporation are denied.

27. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 1, 1974, and reply comments on or before October 21, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

28. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: July 31, 1974.

Released: August 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74-18663 Filed 8-13-74;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[ 12 CFR Part 545 ]

[No. 74-776]

### FEDERAL SAVINGS AND LOAN SYSTEM

### Proposed Amendments Relating to Consumer Loans by Service Corporations

AUGUST 7, 1974.

The Federal Home Loan Bank Board considers it advisable to propose amendments to § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of permitting service corporations in which Federal savings and loan associations may invest under § 545.9-1 to invest in consumer loans. By a companion Resolution (Resolution No. 74-777; August 7, 1974), the Board also proposes amendments to Part 584 of the regulations for Savings and Loan Holding Company (12 CFR Part 545) to permit multiple savings and loan holding companies to invest in consumer loans.

New § 545.9-1(k)(7) would define the term "consumer loan" as "a loan to one or more individuals which is either unsecured or which is secured by consumer goods." The term "consumer goods" would be broadly interpreted and would include all goods used or bought primarily for personal, family or household purposes. New § 545.9-1(a)(4)(i)(e) would permit service corporations in which Federal associations may invest under § 545.9-1 to originate, purchase, sell, and service "consumer loans", as defined in new § 545.9-1(k)(7). If consumer loans were sold with recourse, the amount of the recourse obligation would be included as secured debt by the service corporation in determining its compliance with the debt limitation of § 545.9-1(b)(3)(i)(b). Appropriate stylistic revisions would be made in §§ 545.9-1(a)(4)(i)(c) and 545.9-1(a)(4)(i)(d).

Accordingly, the Board hereby proposes to amend § 545.9-1 by adding a new paragraph (a)(4)(i)(e) and a new paragraph (k)(7) thereto, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by September 16, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

Section 545.9-1 is amended by adding a new paragraph (a)(4)(i)(e) and a new paragraph (k)(7) is added, reading as follows:

§ 545.9-1 Service corporations.

(a) *General service corporations.*

* * * * *

(4) * * *

(e) Consumer loans.

* * * * *

(k) *Definitions.* * * *

(7) The term "consumer loan" means a loan to one or more individuals which is either unsecured or which is secured by consumer goods.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[FR Doc.74-18701 Filed 8-13-74;8:45 am]

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[ 12 CFR Part 584 ]

[No. 74-777]

### SAVINGS AND LOAN HOLDING COMPANIES

### Proposed Amendments Relating to Consumer Loans by Multiple Holding Companies

AUGUST 7, 1974.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 584.2-1 of the regulations for Savings and Loan Holding Companies (12 CFR 584.2-1) for the purpose of adding a new subdivision (v) to § 584.2-1(b)(1) authorizing consumer loans as one of the "preapproved" services and activities for multiple savings and loan holding companies and their non-insured subsidiaries other than service corporations. By a companion Resolution (Resolution No. 74-776; August 7, 1974), the Board also proposes amendments to § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1) for the purpose of permitting service corporations in which Federal savings and loan associations may invest under § 545.9-1 to invest in consumer loans.

New § 584.2-1(b)(1)(v) would permit multiple savings and loan holding companies to originate, purchase, sell and service "consumer loans," as defined in § 545.9-1(k)(7) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9-1(k)(7)) as "a loan to one or more individuals which is either unsecured or which is secured by consumer goods." The term "consumer goods" would be broadly interpreted and would include all goods used or bought primarily for personal, family or household purposes. However, no subsidiary insured institution of a multiple holding

company or its service corporation would be permitted to engage, directly or indirectly, in any transaction with any affiliate (including a transaction between such insured institution and its service corporation) involving the purchase or sale, in whole or in part, of any consumer loan. Appropriate stylistic revisions would be made in §§ 584.2–1(b)(1)(iii) and 584.2–1(b)(1)(iv).

Accordingly, the Board hereby proposes to amend Part 584 by adding a new § 584.2–1(b)(1)(v) as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington D.C. 20552, by September 16, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Board (12 CFR 505.6).

Section 584.2–1(b)(1) is amended by adding a new subdivision (v) as follows:

§ 584.2–1 Services and activities of multiple savings and loan holding companies.

* * * * *

(b) *Prescribed services and activities.* * * *

(1) * * *

(v) Consumer loans, as defined in § 545.9–1(k)(7) of this chapter, *Provided,* That, no subsidiary insured institution of such holding company or service corporation of such insured institution shall engage, directly or indirectly, in any transaction with any affiliate involving the purchase or sale, in whole or in part, of any consumer loan.

* * * * *

(Sec. 403, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; (12 U.S.C. 1725, 1730a). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary.*

[FR Doc.74–18702 Filed 8–13–74;8:45 am]

# notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF STATE

### Office of the Secretary

[Public Notice CM-R2]

### ADVISORY COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES

#### Report on Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act the report of the Advisory Committee on "Foreign Relations of the United States" has been filed with the Library of Congress.

Anyone interested in this report may inspect it in the Microform Reading Room MB-140B, Main Building of the Library of Congress, 10 First Street SE., Washington, D.C.

This completes the filing of reports by advisory committees which held a closed meeting or meetings in 1973. The filing of reports of the other committees was announced in the FEDERAL REGISTER on July 3, 1974 (39 FR 24521).

Dated: August 7, 1974.

SUE M. MORELAND,
*Advisory Committee Management Officer.*

[FR Doc.74-18622 Filed 8-13-74;8:45 am]

## DEPARTMENT OF THE TREASURY

### United States Customs Service

### FOOTWEAR FROM SPAIN

#### Notice of Countervailing Duty Proceedings; Correction

A "Notice of Countervailing Duty Proceedings" with respect to footwear from Spain was published in the FEDERAL REGISTER of July 16, 1974 (39 FR 26046).

To more specifically define the merchandise which is the subject of the Proceedings, the "Notice of Countervailing Duty Proceedings" referred to above is amended by changing the caption to read "Non-Rubber Footwear from Spain," and by inserting the words "non-rubber" before the word "footwear" in the first and second paragraphs.

[SEAL] LEONARD LEHMAN,
*Acting Commissioner of Customs.*

Approved: August 8, 1974.

DAVID R. MACDONALD,
*Assistant Secretary of the Treasury.*

[FR Doc.74-18563 Filed 8-13-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Bonneville Power Administration

### LAND ACTIVITIES AND CLAIMS

#### Redelegations of Authority

Redelegations of Authority published in the FEDERAL REGISTER on July 6, 1968 (33 FR 9784) and amended on September 13, 1968 (33 FR 12974), February 21, 1969 (34 FR 2508), August 9, 1969 (34 FR 12955), September 18, 1969 (34 FR 14534), May 1, 1971 (36 FR 8266), June 8, 1971 (36 FR 11047), July 24, 1971 (36 FR 13799), November 26, 1971 (36 FR 22689), May 6, 1972 (37 FR 9245), July 13, 1972 (37 FR 13721), November 3, 1972 (37 FR 23463), June 27, 1973 (38 FR 16922), August 29, 1973 (38 FR 23343), and September 17, 1973 (38 FR 26011), are further amended by revising sections 10.15 and 10.16 to read as follows:

SECTION 10.15 *Land activities.*

* * * * *

e. [Deleted]

* * * * *

SEC. 10.16 *Claims.*

a. The Head of the Disbursement Audit Section may compromise and finally settle such claims arising under contracts (except power contracts) as the Administrator is authorized to settle under section 2(f) of the Bonneville Project Act, as amended.

b. (1) The Bureau Tort Claims Officer (Assistant O&M Manager) and the Chief, Branch of Land, may exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act, as amended, with respect to determining, settling, compromising and paying claims against the Bonneville Power Administration when the amount allowed does not exceed $1,000.

(2) The Area Tort Claims Officers (Area O&M Managers) and the Construction Claims Officer, Branch of Construction, each may exercise the authority described in subparagraph b(1) of this section when the amount allowed does not exceed $500.

c. (1) The Bureau Tort Claims Officer (Assistant O&M Manager) may exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act, as amended, with respect to determining, compromising, and settling claims of the Bonneville Power Administration.

(2) The Chief, Branch of Finance and Accounts, may exercise the authority of the Administrator to sign releases required for settlement of claims of the Bonneville Power Administration, after determining that the consideration for the release satisfies all amounts owing the Bonneville Power Administration under the claim.

Dated: August 5, 1974.

DONALD PAUL HODEL,
*Administrator.*

[FR Doc.74-18565 Filed 8-13-74;8:45 am]

### Bureau of Land Management

[NM 21933]

### NEW MEXICO

#### Notice of Application

AUGUST 6, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 10 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 29 E.,
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼NW¼SE¼.
T. 19 S., R. 30 E.,
Sec. 9, NE¼SW¼, S½SW¼;
Sec. 17, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼NW¼SE¼;
Sec. 19, lot 4, NE¼NE¼, S½NE¼, E½SW¼NW¼SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, lot 1.
T. 20 S., R. 28 E.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼NW¼SE¼;
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼NW¼SE¼.
T. 20 S., R. 29 E.,
Sec. 3, lot 1, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 9, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 10, NW¼NW¼;
Sec. 16, NW¼NW¼;
Sec. 17, NE¼NE¼, W½NE¼, NE¼SW¼, SE¼NW¼, S½SW¼;
Sec. 19, lot 4, NE¼NE¼, S½NE¼, E½SW¼, NW¼SE¼;
Sec. 20, NW¼NW¼;
Sec. 30, lot 1.
T. 21 S., R. 27 E.,
Sec. 2, lots 1, 2, 6, 7, 11, 12, 13;
Sec. 3, lot 16, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 9, S½NE¼;
Sec. 10, N½NW¼, SW¼NW¼.

This pipeline will convey natural gas across 15.595 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.74-18638 Filed 8-13-74;8:45 am]

[NM 21023, 21026 and 21115]

## NEW MEXICO

### Notice of Applications

AUGUST 6, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 2⅜ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 6 W.,
Sec. 3, Lot 1, SE¼NE¼;
Sec. 13, NE¼NE¼.
T. 29 N., R. 11 W.,
Sec. 9, SW¼SE¼.

These pipelines will convey natural gas across 0.074 miles of national resource land in San Juan and Rio Arriba Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
*Chief, Branch of Lands and Minerals Operations.*

[FR Doc.74-18628 Filed 8-13-74;8:45 am]

[4114]

## SALT LAKE DISTRICT U-1 AND U-2 GRAZING BOARDS

### Notice of Meeting

AUGUST 6, 1974.

Notice is hereby given that the Grazing Boards of Districts U-1 and U-2 of the Salt Lake District will hold a joint field trip and formal meeting on September 19 and 20, 1974. The Boards will convene at the Salt Lake District Office, 1750 South Redwood Road, the morning of September 19, 1974, at 9:00 a.m. for a field trip through the West Desert Cattle Allotments, and spend the night in Wendover, Nevada. The formal meeting will convene September 20 at 9:00 a.m. at the Stateline Hotel in Wendover, Nevada. This meeting will be on a combined basis except for those matters of concern to a single Board, at which time the Boards will hold concurrent sessions.

The agenda for the meeting will include Advisory Board recommendations on winter grazing applications and Sec. 4115.2-2(b) transfers. The Boards will also consider drought problems on the West Desert Cattle Allotments, the status of the Park Valley URA and MFP as well as the Wasatch URA and MFP will be presented for discussion and Advisory Board recommendations, and other matters that properly come before the Board.

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of either Board prior to the meeting of the Board. Any interested person may file a written statement with the joint Boards for their consideration. The Advisory Board Chairman for U-1 is Norman Weston, and for the U-2 Board it is C. Garnett Player. Written statements may be submitted at the meeting or mailed to either Mr. Weston or Mr. Player, % District Manager, Bureau of Land Management, 1750 South Redwood Road, Rm. 214, Salt Lake, City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Salt Lake District Office, (801) 524-5348. Minutes of the meeting will be available for public inspection thirty days after the meeting at the District Office, 1750 South Redwood Road, Salt Lake City, Utah 84104.

GERALD ELTILLIER,
*District Manager, Salt Lake.*

[FR Doc.74-18621 Filed 8-13-74;8:45 am]

## Office of Hearings and Appeals

[Docket No. M 74-175]

## PATSY JANE COAL CORP.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c), (1970), Patsy Jane Coal Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, Carrier, Knott County, Kentucky.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition to secure a waiver of 30 CFR 77.1605(k), Petitioner states in pertinent part:

(1) Petitioner's roads, over which less than 8 percent of Petitioner's haulage is accomplished, are as safe as the condition permit. The installation of either berms or guards would have the effect of reducing the safety of these roads.

(2) Berms or guards, if installed, would hamper snow removal and create drainage problems.

(3) Guardrails would have to be installed on fill material which does not provide adequate anchorage.

(4) In order to construct berms, solid rock would have to be blasted, creating thereby a dangerous new highwall next to the haulage road.

(5) Additional personnel would be required to maintain the berms and guards. This added personnel would significantly increase the accidental potential.

(6) Over 92 percent of Petitioner's haulage is done on state roads which are no safer than Petitioner's roads.

(7) Petitioner's present system provides no less than the same protection as afforded by the application of the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 13, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

AUGUST 6, 1974.

[FR Doc.74-18618 Filed 8-13-74;8:45 am]

[Docket No. M 74-171]

## POCAHONTAS FUEL CO.

### Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pocahontas Fuel Company has filed a petition to modify the application of 30 CFR 75.1101-4 to its Beech Fork Mine, McDowell County, West Virginia.

30 CFR 75.1101-4 provides:

As part of the deluge-type water spray system, two or more branch lines of nozzles shall be installed. The maximum distance between nozzles shall not exceed eight feet.

In support of its petition, Petitioner states in pertinent part that:

Based on the recommendation of the Lee Engineering Company which had knowledge of research which indicated that the branch system was not necessary, single line systems were installed at the Beech Fork Mine. This was done only after consultation with Mr. William Parks, then head of District 4, MESA. Mr. Parks indicated that the single line system was acceptable.

Petitioner feels that its single line system is as safe as that provided for in 75.1101-4 on the basis of advice from Mr. Will Jamison, head of Lee Engineering Company who was a party to research conducted by the Technical Support Group of MESA. This research concluded that the single pipe system is as effective as the branch system.

PETITIONER'S ALTERNATE SYSTEM

A single line system of nozzles not more than eight feet apart will be maintained as part of the deluge-type water spray system required by section 311(f) of the Act at main and secondary belt-conveyor drives in the Beech Fork Mine.

The foregoing system will provide no less than the same measure of protection

as afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before September 13, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director,*
*Office of Hearings and Appeals.*

AUGUST 6, 1974.

[FR Doc.74-18619 Filed 8-13-74;8:45 am]

## Office of the Secretary

### COMMITTEE ON EMERGENCY PREPAREDNESS NATIONAL PETROLEUM COUNCIL

#### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Committee on Emergency Preparedness of the National Petroleum Council will meet at 1:30 p.m. on September 3, 1974, in the Williamsburg Room of the Dallas Petroleum Club, 4786 First National Bank Building, Dallas, Texas. The purpose of the meeting is to review and approve the report of the Subcommittee on Materials and Manpower Requirements for Petroleum Exploration, Drilling and Production and the final report of the main committee. The Committee and its subcommittees and task groups are engaged in studies involving a temporary denial or marked reduction in the volume of imported oil available to the United States and the availability of materials, manpower and equipment for oil exploration, drilling and production in the United States. These studies were requested by the Department of the Interior on December 5, 1972 and December 21, 1973.

The meeting will open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, New Post Office Building, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., telephone number 961-8601.

Dated: August 8, 1974.

C. KING MALLORY,
*Deputy Assistant Secretary*
*for Energy & Minerals.*

[FR Doc.74-18616 Filed 8-13-74;8:45 am]

### COMMITTEE ON ENERGY CONSERVATION NATIONAL PETROLEUM COUNCIL

#### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

The Committee on Energy Conservation of the National Petroleum Council will meet at 9:30 a.m. on August 21, 1974, in the Federal Room of the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C. The purpose of the meeting is to review and discuss the final report on Phase I out of the current study being conducted by the Committee and its subcommittees and task groups and to review and discuss plans for handling Phase II of the study. The Committee and its subcommittees and task groups are engaged in a comprehensive study of the possibilities for energy conservation in the United States and the impact of such measures on the future energy posture of the nation. The study was requested by the Secretary of the Interior on July 23, 1973.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

Further information with respect to this meeting may be obtained from Ben Tafoya, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., telephone number 961-8601.

Dated: August 8, 1974.

C. KING MALLORY,
*Deputy Assistant Secretary*
*for Energy & Minerals.*

[FR Doc.74-18617 Filed 8-13-74;8:45 am]

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

#### Specific Approval Regarding Brucellosis

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document adds certain stockyards and slaughtering establishments to the list of those specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.16(b) of the regulations and removes from the list certain other stockyards and slaughtering establishments which have been found no longer to qualify for such approval. Names changes are also made with respect to certain stockyards and slaughtering establishments.

Pursuant to § 78.16(b) of the regulations (9 CFR 78.16(b)) under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (31 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f)) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only:

ARKANSAS

*Hope Livestock Auction, Inc., Hope.

GEORGIA

*Peoples Stockyard, Cuthbert.

IOWA

*Lewis County Auction Market, Lewiston.
Wayland Livestock Auction Market, Wayland.

KANSAS

*Hays Livestock Market Center, Hays.
*Overbrook Livestock Sales, Inc., Overbrook.

MISSISSIPPI

*Sheldon-Ross Inc., Terry.
*Spicer Livestock, Inc., Tupelo.
*Tri-County Stockyards, Inc., Tupelo.

MISSOURI

*Ava Sales Company, Ava.
*Beck & McCord Auction Co., Inc., Sikeston.
*Buffalo Sale Barn, Buffalo.
*Butler Community Sale, Butler.
*Cabool Livestock Market, Cabool.
*Callaway Stock Sales Co., Fulton.
*Cattlemen Auction Co., Inc., Humansville.
*Central Missouri Sales Co., Inc., Sedalia.
*Chillicothe Livestock Market, Inc., Chillicothe.
*Circle S Livestock Auction, Stanberry.
*Clark County Sale Co., Kahoka.
*Columbia Livestock Auction, Columbia.
*Concordia Livestock Market, Concordia.
*Gallatin Livestock Auction, Inc., Gallatin.
*Green City Auction Market, Inc., Green City.
*Harrison County Livestock Market, Bethany.
*Interstate Producers Livestock Assn., Fredericktown.
*Ireland & Thorne Livestock Market, Inc., Trenton.
*Lexington Livestock Auction, Lexington.
*Licking Livestock Auction, Licking.
*Lockwood Sales Barn, Lockwood.
*Mansfield Livestock Auction, Inc., Mansfield.

*Mercer County Sale Co., Princeton.
*Mid-West Livestock Market, Inc., Nevada.
*Moberly Auction Company, Moberly.
*Mountain Grove Livestock Auction Co., Inc., Mountain Grove.
*Nevada Livestock Auction Co., Inc., Nevada.
Olean Livestock Sales Company, Olean.
*Platte County Sales Co., Inc., Platte City.
*Potosi Livestock Market, Potosi.
*Richland Livestock Exchange, Richland.
*Salem Auction Co., Salem.
*Sedgewickville Auction Market, Inc., Sedgewickville.
*Shelbina Auction Co., Shelbina.
*Jack Sivils Sales Co., Inc., Butler.
*Stewart's Sale Pavilion, Cameron.
*St. James Livestock Auction, St. James.
*Summersville Auction Sale, Summersville.

MONTANA

*Miles City Livestock Auction Market, Miles City.

SOUTH DAKOTA

*Sioux Falls Stockyards, Sioux Falls.

TENNESSEE

*Sampson & Maxwell Livestock Auction, Lewisburg.
*Tennessee Livestock Producers Inc., Thompson Station.
*Ward, William Livestock, South Fulton.

TEXAS

Cox Commission Co., Inc., West.

VIRGINIA

*Farmers Livestock Market, Gate City.
*Farmers Livestock Market, Inc., Tazewell.

WISCONSIN

*Equity Auction Market, Altoona.

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of cattle:

ARKANSAS

*Salem Livestock Auction, Salem.

GEORGIA

*Chatham Livestock Company, Savannah.
*Gainesville Livestock Market, Gainesville.
*Georgia Livestock Terminal Market, Inc., Macon.

IOWA

Wayland Sales Co., Inc., Wayland.

MISSISSIPPI

S & A Land and Cattle Co., Tupelo.

MISSOURI

Central Missouri Sales Co., Sedalia.
*Chillicothe Livestock Auction, Chillicothe.
Clinton Community Sale, Clinton.
Concordia Livestock Auction, Concordia.
Doniphan Auction Sales Co., Doniphan.
Golden Valley Auction, Clinton.
Harrison County Auction Co., Lewiston.
Licking Livestock Sale, Licking.
Lockville Sales Barn, Lockwood.
Maryville Auction Co., Maryville.
Miller Livestock Auction Company, Miller.
Mountain Grove Auction Co., Mountain Grove.
NFO Collection Point, Versailles.
*North Missouri Sale Pavilion, Trenton.
Olean Livestock Auction, Olean.
Platte County Sales Co., Inc., Platte City.
Potosi Livestock Market, Potosi.
Salem Auction Sales, Salem.
St. James Auction Co., St. James.
Summersville Auction Sale, Summersville.
Weddle's Sale Barn, Bethany.

TENNESSEE

*Nichols & Moore Sales Barn, Thompson Station.
*Sampson Livestock Auction, Lewisburg.

VIRGINIA

Tazewell Livestock Market, Inc., Tazewell.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors, and of § 78.12(b) of said Title 9, concerning cattle not known to be affected with brucellosis; and those not preceded by an asterisk are specifically approved for the purposes of § 78.12(b) only:

IOWA

Korleski Frozen Foods, Thompson.
Rake Locker, Rake.

SOUTH CAROLINA

*A. F. Bishop Slaughter House, Ehrhardt.
*C. G. Burbage, Wholesale Meats, North Charleston.
*Childress Poultry Co., Lauren.
*Cheraw Packing Co., Cheraw.
*Cottingham Packing Co., Dillon.
*Count's Sausage Co., Prosperity.
*Cromer's Abattoir, Inman.
*DeLoach Food Company, Varnville.
*Edgefield Locker Plant, Edgeville.
*Fountain Inn Frozen Food Plant, Fountain Inn.
*Gilliam's Provision Company, Pelzer.
G & W Packing Company, Hickory Grove.
*Howards Abattoir, Anderson.
*Lancaster Frozen Foods, Inc., Lancaster.
*Lynn Meats, Inc., Darlington.
*Marvin's Meats, Hollywood.
*Mullins Food Processing, Mullins.
*Nichols Cold Storage, Nichols.
*Oconee County Abattoir, Seneca.
*Ott's Fresh Meats, Cordova.
*Ravenel Abattoir, Ravenel.
*Richardson's Slaughter House, Gresham.
*R & R Meats, Walterboro.
*Saluda Frozen Food Center, Saluda.
*Union Packing Company, Union.
*Walden Farms, S. C. Department of Corrections, Columbia.
*Weinburg's Slaughter Plant, Darlington.
*Wilson Sausage Co., Florence.

WEST VIRGINIA

*Livingood Slaughter House, Bruceton Mills.

The following slaughtering establishments are *deleted* from the list specifically approved to handle interstate shipments of cattle.

GEORGIA

Meddin Packing Company, Savannah.

ILLINOIS

Callihan & Company, Peoria.
Elmwood Locker Service, Elmwood.
Hubbard Packing Company, Chicago.
Metamora Abattoir, Inc., Metamora.
Raber Packing Company, Peoria.
Rocke's Cold Storage, Morton.

IOWA

Johnson Market & Locker, Rake.
Miller's Frozen Foods, Thompson.

NEW YORK

Hanlon, Gilfus & Foltz, Weedsport.

SOUTH CAROLINA

Lancaster Frozen Foods, Inc., Lancaster.

*Effective date.* The foregoing notice shall become effective on August 14, 1974.

This action imposes certain restrictions necessary to prevent the spread of brucellosis, relieves certain restrictions presently imposed, and makes certain changes which do not affect the substance of the restrictions set forth in 9 CFR Part 78. The action should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective on or before September 13, 1974.

Done at Washington, D.C., this 9th day of August, 1974.

F. W. HANSEN, Jr.,
*Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc.74-18699 Filed 8-13-74;8:45 am]

## Commodity Credit Corporation

[Amdt. 1]

## SALES OF CERTAIN COMMODITIES
### Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. The provisions of section 25 entitled "Rice, rough—Unrestricted use sales—FOB warehouse" published in 39 FR 24685 are revised to read as follows:

The minimum price is the market price but not less than the formula price. The formula price is the 1974 loan rate plus 5 percent plus the monthly markup shown in this section. Basis of sale is f.o.b. warehouse as is, or at buyers option, basis outturn weights and grades with privilege of rejecting individual cars which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

MONTHLY MARKUPS—CENTS PER HUNDREDWEIGHT

| *1974* | | *1975* | |
|---|---|---|---|
| August | 12 | January | 62 |
| September | 22 | February | 72 |
| October | 32 | March | 81 |
| November | 42 | April | 91 |
| December | 52 | May | 101 |
| | | June | 101 |

2. A section 27 is inserted and reads as follows:

27. *Nonfat dry milk-unrestricted use sales.* Market price, but not less than the following announced prices for spray process nonfat dry milk (NDM) in 50 pound bags:

(1) 65.0 cents per pound for NDM in bags of type specified in ASCS Announcement CMO–1.

(2) 64.75 cents per pound for NDM in commercial-type bags.

Sales are made under Announcement MP–14. Sales are in carlots only in-store at storage location of products.

Effective Date: 2:30 p.m. (e.d.t.) July 31, 1974.

Signed at Washington, D.C. on August 8, 1974.

KENNETH E. FRICK,
*Executive Vice President,*
*Commodity Credit Corporation.*

[FR Doc.74–18698 Filed 8–13–74;8:45 am]

## CARSON NATIONAL FOREST

### Notice of Meeting

A special meeting will be held at 7 p.m., on Tuesday, August 20, 1974, at the Tres Piedras Elementary School, Tres Piedras, New Mexico.

The purpose of this meeting is to discuss the proposed closure of certain lands within the Tres Piedras Ranger District, Carson National Forest to motorized vehicular travel. The meeting will be conducted by representatives of the New Mexico Department of Game and Fish and the U.S. Forest Service.

J. CRELLIN,
*Acting Forest Supervisor.*

AUGUST 5, 1974.

[FR Doc.74–18629 Filed 8–13–74;8:45 am]

## CARSON NATIONAL FOREST

### Notice of Meeting

A special meeting will be held at 7 p.m., on Thursday, August 22, 1974, at the Midtown Holiday Inn, Albuquerque, New Mexico.

The purpose of this meeting is to discuss the proposed closure of certain lands within the Tres Piedras Ranger District, Carson National Forest to motorized vehicular travel. The meeting will be conducted by representatives of the New Mexico Department of Game and Fish and the U.S. Forest Service.

J. CRELLIN,
*Acting Forest Supervisor.*

AUGUST 5, 1974.

[FR Doc.74–18630 Filed 8–13–74;8:45 am]

## OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

### Notice of Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 1 p.m. on Thursday, September 5, 1974, in the Forest Supervisor's Office, Okanogan, Washington 98840.

The purpose of this meeting is to discuss Upper Limits and the interpretation of this policy on the Okanogan National Forest. A second topic will be to review the revocation of a permit based on ownership requirements.

The meeting will be open to the public.

Dated: August 6, 1974.

GERHART H. NELSON,
*Forest Supervisor.*

[FR Doc.74–18637 Filed 8–13–74;8:45 am]

## Soil Conservation Service

## BOGOTA WATERSHED PROJECT, TENNESSEE

### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Bogota Watershed Project, Dyer and Obion Counties, Tennessee, USDA–SCS–ES–WS(ADM)–74–38(D).

The environmental statement concerns a plan for watershed protection and flood prevention in the 11,500-acre Bogota Watershed which encompasses the drainage area of Daughertly Creek, located in Dyer and Obion Counties, Tennessee. Action called for includes conservation measures on 5,910 acres of land, and about 29.2 miles of stream channel work with appurtenant measures, construction of one grade stabilization structure, and mitigating measures. The channel work will involve 27.7 miles of excavation and enlargement plus 1.5 miles of clearing and debris removal on existing channels to reduce flooding in an area that is 84 percent agricultural cropland and grassland. All of the channel work involves man-made ditches or previously modified channel with ephemeral flow only.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA 561 U.S. Courthouse, Nashville, Tennessee 37203.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Paul Howard, State Conservationist, Soil Conservation Service, 561 U.S. Courthouse, Nashville, Tennessee 37203.

Comments must be received on or before October 7, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 2, 1974.

W. B. DAVEY,
*Deputy Administrator for Water Resources, Soil Conservation Service.*

[FR Doc.74–18623 Filed 8–13–74;8:45 am]

# DEPARTMENT OF COMMERCE

## National Technical Information Service

## GOVERNMENT-OWNED INVENTIONS

### Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT–APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
*Patent Program Coordinator,*
*National Technical Information Service.*

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent 3,228,855: Process for a Microbial Polysaccharide; filed 13 August 1971, patented 2 October 1973, not available NTIS.

Patent 3,243,301: Ceral-Containing Varieties of Tempeh and Process Thereof; filed 3 April 1964, patented 29 March 1966, not available NTIS.

Patent 3,280,103: Production of Methyl 6-Chloro-6-Deoxy Alpha-D-Glucopyranaside; filed 4 September 1964, patented 18 October 1966, not available NTIS.

Patent 3,282,795: Production of 2-Ketogluconic Acid by "Serratia Marcescens"; filed 5 October 1964, patented 1 November 1966, not available NTIS.

Patent 3,304,276: Polyhydric Phenol Modified Fatty Media and Iron Surfaces Chelated Therewith; filed 13 May 1964, patented 14 February 1967, not available NTIS.

Patent 3,314,913: Hexose Polythiomercaptal Adhesives; filed 18 January 1965, patented 18 April 1967, not available NTIS.

Patent 3,322,798: Process for Obtaining Pure Methyl Azelaaldehydate from Ozonolysis of Commercial Methyl Oleate; filed 14 May 1964, patented 30 May 1967, not available NTIS.

Patent 3,329,518: Protein Glue for Southern Pine Plywood; filed 11 June 1965, patented 4 July 1967, not available NTIS.

Patent 3,330,840: Derivations of Methyl 9,9-Dimethoxynonandate; filed 8 June 1964, patented 11 July 1967, not available NTIS.

Patent 3,343,974: Composition for Increasing the Dispersion Stability of Titanium Dioxide Pigment; filed 13 May 1964, patented 26 September 1967, not available NTIS.

Patent 3,349,106: Solvent for Obtaining Very High Yields of Aldehydic Products From Soybean Oil; filed 5 May 1965, patented 24 October 1967, not available NTIS.

Patent 3,356,699: Alkali Isomerization of Crepenynic Acid to 8,10,12-Octadecatrienoic Acid; filed 9 June 1965, patented 5 December 1967, not available NTIS.

Patent 3,369,441: Microbiological Screening Process for Aflatoxin; filed 16 September 1965, patented 26 December 1967, not available NTIS.

Patent 3,373,175: Conjugation of Vegetable Oils via Iron Tricarbonyl Complex; filed 9 July 1965, patented 12 March 1968, not available NTIS.

Patent 3,373,176: Tertamethyl Cyclobutanediol Diesters of Linseed-Derived C18 Saturated Vicinally Substituted Cyclo Monocarboxylic Acid Isomer Mixture; filed 22 September 1965, patented 12 March 1968, not available NTIS.

Patent 3,383,284: Cosmetic Compositions Containing Cyclic C18 and C20 Alcohols; filed 19 June 1964, patented 14 May 1968 not available NTIS.

Patent 3,385,719: Process for Production of an Alkali Starch Xanthate Solution; filed 25 February 1965, patented 28 May 1968, not available NTIS.

Patent 3,396,082: Glucan Production by Fermentation of Fleshy Fungi; filed 9 June 1965, patented 6 August 1968, not available NTIS.

Patent 3,414,515: Color Imparting Complexes of Starch Ethers for Swimming Pools; filed 5 October 1964, patented 3 December 1968, not available NTIS.

Patent 3,433,738: Method of Precipitating Polyvalent Cations; filed 7 May 1968, patented 18 March 1969, not available NTIS.

Patent 3,433,752: Process for Preparing Rigid Polyurethane Foams of Open All Structure; filed 4 January 1967, patented 18 March 1969, not available NTIS.

Patent 3,476,670: Polarographic Electrode Structure; filed 10 April 1967, patented 4 November 1969, not available NTIS.

Patent 3,513,205: Cyclic C18 and C20 Alcohols; filed 10 March 1964, patented 19 May 1970, not available NTIS.

Patent 3,518,176: Graft Polymerization of Starch in Novel Alcohol Reduction Medium; filed 25 February 1966, patented 30 June 1970, not available NTIS.

Patent 3,522,056: Reduction of Strontium-90 Content of Intact Cereal Grains; filed 6 August 1965, patented 28 July 1970, not available NTIS.

Patent 3,669,915: Flocculants from Starch Graft Copolymers; filed 8 September 1970, patented 13 June 1972, not available NTIS.

Patent 3,673,136: Powdered Polysacchride-Reinforced Elastomer Masterbatches, Compounds and Resulting Vulcanized Rubbers; filed 24 July 1970, patented 27 June 1972.

Patent 3,679,433: Protein-Enriched Baked Products and Method of Making Same; filed 8 September 1970, patented 25 July 1972, not available NTIS.

Patent 3,787,459: Selective Hydroformylation of Unsaturated Fatty Compounds; filed 23 October 1970, patented 22 January 1974, not available NTIS.

Patent 3,795,670: Process for Making Starch Triacetates; filed 5 March 1973, patented 5 March 1974. Not available NTIS.

Patent 3,795,671: Epoxypropl Starch; filed 21 December 1971, patented 5 March 1974, not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 7th Street SW., Washington, D.C. 20590.

Patent application 479,638: Emergency Lighting for Public Transportation Vehicles; filed 17 June 1974, PC $4.00/MF $1.45.

U.S. ENVIRONMENTAL PROTECTION AGENCY, Room W513, 401 M Street SW., Washington, D.C. 20460.

Patent 3,763,040: Processes for Reducing the Organic-Carbon Content of Water Contaminated with Organic Compounds by Continuous Countercurrent Multistage Treatment with Activated Carbon; filed 13 August 1971, patented 2 October 1973, not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 447,029: Ultrasound Imaging System Utilizing Shaped Acoustic Matching Elements to Increase the Effective Aperture of an Acoustic Transducer; filed 28 February 1974, PC $4.00/MF $1.45.

Patent 3,728,543: Thermoluminescence of Sapphire; filed 23 November 1971, patented 17 April 1973, not available NTIS.

Patent 3,788,772: Energy Converter to Power Circulatory Support Systems; filed 4 March 1971, Patented 29 January 1974, not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent application 455,461: Method of Treating Semipermeable Membranes; filed 27 March 1974, PC $4.00/MF $1.45.

Patent application 465,384: Self-Tightening Inflatable Arch; filed 19 April 1974, PC $4.00/MF $1.45.

Patent 3,807,557: Flotation of Pyrite from Coal; filed 11 August 1972, patented 30 April 1974, not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent 3,804,472: Journal Bearings: Patented 16 April 1974, not available NTIS.

Patent 3,805,266: Turnstile Slot Antenna: Patented 16 April 1974, not available NTIS.

Patent 3,806,835: Rapidly Pulsed, High Intensity, Incoherent Light Source: Patented 23 April 1974, not available NTIS.

[FR Doc.74-18651 Filed 8-13-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 11300]

### CHLORZOXAZONE IN COMBINATION WITH ACETAMINOPHEN

### Drug Efficacy Study Implementation; Follow-Up Notice

In the FEDERAL REGISTER of September 11, 1969 (34 FR 14299), the Food and Drug Administration published its conclusions concerning the effectiveness of the following drug products, stating that the products are regarded as possibly effective for all of their labeled indications. Other products included in that notice are not affected by this notice.

Parafon Tablets (Chlorzoxazone 125 mg. and acetaminophen 300 mg.) and Parafon Forte Tablets (chlorzoxazone 250 mg. and acetaminophen 300 mg.); McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, PA 19034 (NDA 11-529).

Combination products containing a so-called "skeletal muscle relaxant" and an analgesic were initially concluded to be either possibly effective or lacking substantial evidence of effectiveness pursuant to the National Academy of Sciences-National Research Council, Drug Efficacy Study Group reviews. The Commissioner has determined that these combinations should now be regarded as less-than-effective (probably effective) for the following reasons:

1: The NAS/NRC had serious doubts concerning the effectiveness of the "skeletal muscle relaxant" component of such combinations, and made it clear that these doubts were a major reason for the rating of the combinations as ineffective or possibly effective. Thus, the Panel on Neurological Drugs stated for Parafon and Parafon Forte, with respect to their claims for relief of skeletal muscle spasm and pain associated with various medical and orthopedic problems:

"The Panel considers the combination of acetaminophen and chlorzoxazone to be unjustified until chlorzoxazone has been proven to be clinically effective for this indication. The Panel has already evaluated Paraflex (chlorzoxazone) as possibly effective as a muscle relaxant.

The Commissioner has concluded that new evidence in the form of adequate and well-controlled studies has demonstrated that the so-called "skeletal muscle relaxants" are effective in the treatment of discomfort associated with acute, painful musculo-skeletal conditions.

This new finding has significant impact on the reasoning underlying the Panel's rating since it is rational and justifiable to add together two effective ingredients that act through different mechanisms to relieve musculo-skeletal pain and to carry out studies to determine whether such a combination is effective as a fixed combination. It now appears entirely possible that the analgesic-skeletal muscle relaxant combinations, if investigated appropriately, can be demonstrated to be effective and to meet the requirements of the combination drug policy (21 CFR 3.86).

2. The studies of these combinations completed to date have shown, in some cases, a trend in favor of the combination as compared with its components, but in no case has the trend reached the usual requirements for statistical significance.

The Commissioner finds that the clinical investigational techniques for the study of the drug classes have been difficult to develop and that, despite extensive efforts, methods for measuring relevant therapeutic effects remain imperfect. In these circumstances, the failure at this point to observe statistically significant differences between the combinations and their components should not be considered strong evidence against the combination.

It should be emphasized that the present upgrading of these combinations to probably effective does not represent any conclusion that they are in fact in compliance with § 3.86, nor any commitment to promulgation of an effective rating in the future in the absence of the usual substantial evidence of effectiveness. The present action simply reflects the new evidence that the so-called "skeletal muscle relaxants" are effective and the increased possibility that the combinations can be shown to be effective.

Accordingly, the revised conclusions concerning Parafon and Parafon Forte are as described below.

A. *Effectiveness - classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the combination chlorzoxazone and acetaminophen is less-than-effective (probably effective) as described below.

B. *Labeling conditions.* Labeling revised pursuant to this notice should furnish adequate information for safe and effective use of the drug and recommend use of the drug for the following less-than-effective (probably effective) indication: As an adjunct to rest and physical therapy for the relief of discomfort associated with acute, painful musculoskeletal conditions. The mode of action of this drug has not been clearly identified, but may be related to its sedative properties. Chlorzoxazone does not directly relax tense skeletal muscles in man.

C. *Submission of data.* Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) and described in 21 CFR 314.111 (a) (5) and 21 CFR 3.86. Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this notice should be identified with the reference number DESI 11300, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation HFD-100, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 7, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74-18631 Filed 8-13-74;8:45 am]

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[Docket No. FDC-D-532; NDA 12-281] DESI 6363]

## METHOCARBAMOL WITH ASPIRIN; A. H. ROBINS CO.

### Drug Efficacy Study Implementation; Follow-Up Notice and Rescission of Portions of Notice of Opportunity for Hearing

In the FEDERAL REGISTER of November 15, 1972 (37 FR 24206), the Commissioner of Food and Drugs published a notice of opportunity for hearing on his proposal to withdraw approval of the NDA for the following drug product. Another drug product (Robaxisal-PH Tablets, containing methocarbamol, phenacetin, aspirin, hyoscyamine sulfate and phenobarbital), was also included, but it is not affected by this notice.

Robaxisal Tablets, containing methocarbamol and aspirin; A. H. Robins Co., 1407 Cummings Drive, Richmond, VA 23220 (NDA 12-281).

The basis of the proposed withdrawal of approval was the lack of substantial evidence of effectiveness. A. H. Robins Co., Inc., requested a hearing concerning Robaxisal Tablets, and material in support of the request has been under review. A hearing was not requested for Robaxisal PH Tablets and approval of that NDA (12-399) was withdrawn March 5, 1973 (38 FR 5920).

Combination drug products containing a so-called "skeletal muscle relaxant" and an analgesic were initially concluded to be either possibly effective or lacking substantial evidence of effectiveness pursuant to the National Academy of Sciences-National Research Council, Drug Efficacy Study Group reviews. The Commissioner has determined that these combinations should now be regarded as less-than-effective (probably effective) for the following reasons:

1. The NAS/NRC had serious doubts concerning the effectiveness of the "skeletal muscle relaxant" component of such combinations, and made it clear that these doubts were a major reason for the rating of the combinations as ineffective or possibly effective. Thus, the Panel on Neurological Drugs stated for one such combination (Robaxisal):

> The Panel has evaluated Robaxin as "Possibly effective" as a peripheral muscle relaxant, with the statement that present studies are inconclusive and the suggestion that further studies be conducted. In view of this, the Panel feels it is not justifiable to add other ingredients to the muscle relaxant preparations until the major product is proved efficacious.

The Commissioner has concluded that new evidence in the form of adequate and well-controlled studies has demonstrated that the so-called "skeletal muscle relaxants" are effective in the treatment of discomfort associated with acute, painful musculo-skeletal conditions.

This new finding has significant impact on the reasoning underlying the Panel's rating since it is rational and justifiable to add together two effective ingredients that act through different mechanisms to relieve musculo-skeletal pain and to carry out studies to determine whether such a combination is effective as a fixed combination. It now appears entirely possible that the analgesic-skeletal muscle relaxant combinations, if investigated appropriately, can be demonstrated to be effective and to meet the requirements of the combination drug policy (21 CFR 3.86).

2. The studies of these combinations completed to date have shown, in some cases, a trend in favor of the combination as compared with its components, but in no case has the trend reached the usual requirements for statistical significance.

The Commissioner finds that the clinical investigational techniques for the study of the drug class have been difficult to develop and that, despite extensive efforts, methods for measuring relevant therapeutic effects remain imperfect. In these circumstances, the failure at this point to observe statistically significant differences between the combinations and their components should not be considered strong evidence against the combination.

It should be emphasized that the present upgrading of these combinations to probably effective does not represent any conclusion that they are in fact in compliance with § 3.86, nor any commitment to promulgation of an effective rating in the future in the absence of the usual substantial evidence of effectiveness. The present action simply reflects the new evidence that the so-called "skeletal muscle relaxants" are effective and the increased possibility that the combinations can be shown to be effective.

Accordingly, insofar as it pertains to Robaxisal Tablets (NDA 12-281), the notice of opportunity for hearing published November 15, 1972 is rescinded and the revised conclusions concerning the drug are as described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the combination methocarbamol and aspirin is less-than-effective (probably effective) as described below.

B. *Labeling conditions.* Labeling revised pursuant to this notice should furnish adequate information for safe and effective use of the drug and recommend use of the drug for the following less-than-effective (probably effective) indication: As an adjunct to rest and physical therapy for the relief of discomfort associated with acute, painful musculo-skeletal conditions. The mode of action of this drug has not been clearly

identified, but may be related to its sedative properties. Methocarbamol does not directly relax tense skeletal muscles in man.

C. *Submission of data.* Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) and described in 21 CFR 314.111(a) (5) and 21 CFR 3.86. Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Communications forwarded in response to this notice should be identified with the reference number DESI 6363, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: August 7, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74-18632 Filed 8-13-74;8:45 am]

## Office of the Secretary

## HUMAN SUBJECTS

### Submission of Certificates Concerning Protection

On May 30, 1974, the Department of Health, Education, and Welfare published in the FEDERAL REGISTER final regulations concerning protection of human subjects. These regulations became effective on July 1, 1974, and were codified at 45 CFR Part 46. Sections 46.11 and 46.12 thereof reserve to the Secretary of Health, Education, and Welfare the right to specify time limits within which an organization, submitting to the Department a proposal for a grant or contract in support of an activity involving human subjects, must also submit certification of its review and approval of such activity, as required by Part 46.

In the preamble to said regulations, it was indicated that pursuant to §§ 46.11 and 46.12 the Secretary would publish a notice allowing for a 30 day grace period for submission of certifications during the year following the effective date of Part 46.

Since that time, the National Research Act, Public Law 93-348, has been enacted. Section 212 thereof states that upon adoption of implementing regulations by the Secretary, each applicant for a grant or contract under the Public Health Service Act for any project or program involving human subjects must "* * * submit in or with its application * * * assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as 'an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or sponsored by such entity in order to protect the rights of the human subjects of such research." In view of the passage of Public Law 93-348, it has been decided that the grace period referred to above will extend only until regulations are published pursuant to section 212.

Consequently, in accordance with §§ 46.11 and 46.12, it is hereby provided that, until the effective date of regulations implementing section 212, grantee and contractor organizations having approved general assurances may submit certification of their review and approval of proposals involving human subjects at any time within 30 days following the deadline for which the proposal was submitted or, if no deadline is specified, within 30 days following the submission date of the proposal.

Also, until the effective date of such regulations, organizations not having approved general assurances must submit a special assurance and certification of review and approval of proposals involving human subjects within 30 days of the receipt of a written request for the submission of such special assurance and certification.

Dated: August 9, 1974.

CASPAR W. WEINBERGER,
*Secretary.*

[FR Doc.74-18684 Filed 8-13-74;8:45 am]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Secretary

[Docket No. D-74-283]

## GENERAL COUNSEL AND DEPUTY GENERAL COUNSEL

### Amendment to Delegation of Authority

The Department has transferred its Audit and Investigation functions from the Assistant Secretary for Administration to the Office of Inspector General. Consistent with this reorganization, the proviso in section A, paragraph 3, of the delegation of authority from the Secretary to the General Counsel and Deputy General Counsel, published at 36 FR 11052, June 8, 1971, is being updated to reflect this change.

Accordingly, section A, paragraph 3, of that delegation is amended to read as follows:

3. To direct the referral of cases and other matters to the Attorney General for appropriate legal action and to transmit information and material pertaining to the violation of law or Department rules and regulations. There are excepted from this authority, however, those referrals and transmittals which the Inspector General is authorized to make under the delegation of authority to him published concurrently herewith.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

*Effective date.* This amendment shall be effective as of January 29, 1972.

JAMES T. LYNN,
*Secretary of Housing and Urban Development.*

[FR Doc.74-18680 Filed 8-13-74;8:45 am]

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[Docket No. D-74-286]

## INSPECTOR GENERAL AND DEPUTY INSPECTOR GENERAL

### Delegation of Authority

SEC. A. *Authority delegated.* The Inspector General and the Deputy Inspector General each is authorized to exercise the following power and authority of the Secretary of Housing and Urban Development:

1. To plan and administer the execution of comprehensive internal and external audit programs with authority to inquire into all programs and administrative activities of the Department and the related activities of grantees, borrowers, contractors and other beneficiaries of Departmental financial assistance. (Section 113(a)(3) of the Budget and Accounting Procedures Act of 1950, 31

U.S.C. 66a; sections 814 and 816 of the Housing Act of 1954, 42 U.S.C. 1434–1435.)

2. To develop and administer a program of independent review of the integrity of Department programs and activities including the detection and investigation of indicated or alleged violations of Federal Criminal or Civil Statutes or HUD regulations by HUD employees and program participants.

3. To conduct investigations as necessary to establish prima facie criminal cases and to refer such cases to the Department of Justice for criminal prosecution and/or civil fraud prosecution.

4. To conduct investigations and make related inquiries to enable the Department to impose administrative remedies in connection with violations described in 1, 2 and 3 above.

5. To direct referral to the Civil Service Commission of cases or matters that involve a violation or possible violation of the Hatch Act (5 U.S.C. 7321–7327), and to transmit to the Civil Service Commission information and material pertaining to violations or alleged violations.

6. To direct referral to the United States Secret Service, Department of the Treasury, of cases or matters that involve the alleged forgery of United States Treasury checks or alleged irregularities with regard to imprest funds; and to transmit to the United States Secret Service information and material pertaining to the alleged forgeries or irregularities.

7. To receive directly from:

a. The Department of Justice, any reports concerning action taken on matters referred by HUD in accordance with preceding paragraph 3.

b. The Civil Service Commission, any reports concerning action on matters referred by HUD in accordance with preceding paragraph 5.

c. The United States Secret Service, Department of the Treasury, any reports concerning action taken on matters referred by HUD in accordance with preceding paragraph 6.

8. To receive directly from the Federal Bureau of Investigation:

a. Information requested by HUD with respect to a person who is presently, or is prospectively to be, employed or retained in an advisory capacity.

b. Information with respect to the arrest of an employee.

c. Reports of investigation.

d. Information and materials relating to any other investigative or audit matters not specified in this paragraph, in following paragraph 9, or in section B.

9. To maintain direct exchange of information and materials with the Organized Crime and Racketeering Section, Criminal Division, Department of Justice.

10. To develop and direct the Departmental Personnel Security Program under the requirements of Executive Order 10450, entitled "Security Requirements for Government Employment."

11. To develop and publish minimum standards, procedures, specifications, and implementing instructions for the administration in the Department of Executive Order 11652, entitled "Classification and Declassification of National Security Information and Material."

SEC. B. *Authority excepted.* Notwithstanding any delegation of authority in section A, neither the Inspector General nor the Deputy Inspector General is authorized to:

1. Refer directly any case or matter or to transmit information or material to the Department of Justice with respect to violations or possible violations of the Civil Rights Act of 1968 (42 U.S.C. 3601).

2. Exercise the power in Executive Order 10450 to:

a. Waive the requirement for completion of full investigations prior to assumption by applicants or employees of critical-sensitive positions.

b. Suspend with or without pay, or reassign or detail temporarily to a nonsensitive position, and then remove, any employee from a sensitive position. (5 U.S.C. 7532)

c. Reinstate or restore individuals suspended or removed for national security. (5 U.S.C. 3571)

SEC. C. *Authority to redelegate.* The Inspector General is authorized to redelegate to employees of the Department any of the power and authority delegated under section A of this document.

SEC. D. *Supersedure.* This delegation supersedes delegation to Assistant Secretary for Administration published at 36 FR 11052, June 8, 1971.

(Sec. 7(d), Department of HUD Act, (42 U.S.C. 3535(d)))

*Effective date.* This delegation of authority shall be effective as of January 29, 1972.

JAMES T. LYNN,
*Secretary of Housing and Urban Development.*

[FR Doc.74-18681 Filed 8-13-74;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### AIRPORTS DISTRICT OFFICE AT FORT WORTH, TEXAS

#### Notice of Change of Address

Notice is hereby given that on July 15, 1974, the address of the Airports District Office at Fort Worth, Texas, was changed to 4400 Blue Mound Road, Fort Worth, Texas (Mailing Address: P.O. Box 1689, Fort Worth, Texas 76101).

(Sec. 313(a), 72 Stat. 752; (49 U.S.C. 1354).)

Issued in Fort Worth, Texas on August 7, 1974.

JOHN DUFFICY,
*Acting Director, Southwest Region.*

[FR Doc.74-18598 Filed 8-13-74;8:45 am]

### ENGINEERING AND MANUFACTURING DISTRICT OFFICE AT FORT WORTH, TEXAS

#### Notice of Move

Notice is hereby given that on July 1, 1974, the Engineering and Manufacturing District Office at Greater Southwest Airport, Fort Worth, Texas, was moved to Meacham Field, Fort Worth, Texas. There is no change in the district office boundaries and service to the aviation public remains the same. This move does not constitute a change to the FAA Organization Statement.

Issued in Fort Worth, Texas on August 7, 1974.

HENRY L. NEWMAN,
*Director, Southwest Region.*

[FR Doc.74-18699 Filed 8-13-74;8:45 am]

### GENERAL AVIATION AND AIR CARRIER DISTRICT OFFICES AT NASHVILLE, TENNESSEE

#### Notice of Consolidation

Notice is hereby given that on August 1, 1974, the General Aviation and Air Carrier District Offices at Nashville, Tennessee were consolidated and redesignated as the Nashville Flight Standards District Office No. 62. Services relative to the programs with which the public is concerned, formerly provided by these offices, will continue to be rendered by the Flight Standards District Office at Nashville, Tennessee without interruption. Communications should be addressed as follows:

Chief, Flight Standards District Office
Federal Aviation Administration
Department of Transportation
Room 303, Doyle Terminal, Metropolitan Airport
Nashville, Tennessee 37217

(Sec. 313(a), 72 Stat. 752 (49 U.S.C. 1354))

Issued in East Point, Georgia on August 7, 1974.

DUANE W. FREER,
*Acting Director, Southern Region.*

[FR Doc.74-18599 Filed 8-13-74;8:45 am]

### National Highway Traffic Safety Administration

[Docket No. EX73-4; Notice 3]

### CUSHMAN MOTORS

#### Petition for Temporary Exemption From Motor Vehicle Safety Standard

Cushman Motors of Lincoln, Nebraska, a division of Outboard Marine Corporation, has applied for an extension of the temporary exemption previously granted its Haulster model from compliance with year exemption, it was granted on of the stopping distance requirements of Federal Motor Vehicle Safety Standard No. 122, Motorcycle Brake Systems.

Notice of Cushman's petition for exemption on grounds of substantial economic hardship was published in the FEDERAL REGISTER on June 5, 1973 (38 FR 14785), as well as the granting of the petition on November 29, 1973 (38 FR 32963). Interested persons are invited to refer to those notices for further information on hardship and other factors. Although Cushman had requested a 3-year exemption, it was granted one of only 8 months duration, from January 1, 1974, to September 1, 1974. This decision

did not mean that Cushman had failed to substantiate its need for a 3-year exemption. Instead, under rulemaking then in effect, the Haulster would have ceased to be classified as a "motorcycle" on September 1, 1974, and thus would not require a longer exemption from Standard No. 122. However, the definition of motorcycle was revoked (39 FR 15039), and another proposed (39 FR 15046) that would not become effective until March 1, 1975. Therefore Cushman requests an extension of its exemption until March 1, 1975, at a minimum or until such time as its vehicle is no longer classified as a motorcycle, but in any event not later than January 1, 1977.

In accordance with 49 CFR Part 555 as amended, Cushman has submitted production figures for the last 12 months (1,891 on-road vehicles), financial data for its latest fiscal year, a statement of the impact upon corporate finances of a denial, and its views why the granting of the petition would be consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Cushman Motors described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed, and will be considered to the extent possible of action upon the petition. Notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

*Comment closing date:* September 13, 1974.

*Proposed effective date:* Date of issuance of exemption.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 501.8.)

Issued on August 8, 1974.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

[FR Doc.74-18648 Filed 8-13-74;8:45 am]

## PRIME GLAZING MATERIAL MANUFACTURERS

### Assignment of Code Numbers

This notice revises the list published December 7, 1973 (38 FR 33787), of code numbers assigned by NHTSA to prime glazing material manufacturers.

Prime glazing material manufacturers are required to certify glazing material as conforming to Federal Motor Vehicle Safety Standard No. 205 (49 CFR 571.105) by affixing the symbol DOT to the material, in accordance with paragraph S6.2 of Standard No. 205, followed by a code number assigned by NHTSA. Code numbers are assigned to prime glazing material manufacturers on their written request to the Associate Administrator, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407) delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on August 9, 1974.

ROBERT L. CARTER,
*Associate Administrator,*
*Motor Vehicle Programs.*

CODE NUMBERS ASSIGNED TO PRIME GLAZING MATERIAL MANUFACTURERS

1. Not Assigned
2. Not Assigned
3. Not Assigned
4. Not Assigned
5. Not Assigned
6. Not Assigned
7. Not Assigned
8. Not Assigned
9. Not Assigned
10. Not Assigned
11. Not Assigned
12. Not Assigned
13. Not Assigned
14. Chromaloy-Safetee Glass Division, King of Prussia, Pennsylvania
15. Libbey-Owens-Ford Co., Toledo, Ohio
16. Hayes-Albion Corp., Jackson, Michigan
17. Triplex Safety Glass Co., Ltd., London, England
18. P. P. G. Industries, Pittsburgh, Pennsylvania
19. Duplate Canada, Ltd., Toronto, Ontario, Canada
20. Asahi Glass Co., Ltd., Tokyo, Japan
21. Chrysler Corp., Detroit, Michigan
22. Guardian Industries Corp., Detroit, Michigan
23. Nippon Sheet Glass Co., Ltd., Osaka, Japan
24. Splintex Belge S.A., Gilly, Belgium
25. Flachglas AG Delog Detag, Furth/Bayern, West Germany
26. Corning Glass Works, Corning, New York
27. Vereinigte Glaswerke, Herzogenrath, West Germany
28. Spiegelglaswerke Germania, Porz, West Germany
29. Withdrawn
30. Sudglas Klumpp & Arretz GmbH, Bietigheim/Wurtz, West Germany
31. Glas-und Spiegelmanufaktur N. Kinon GmbH, Aachen, West Germany
32. Glaceries Reunies, S.A., Belgium
33. Laminated Glass Corp., Detroit, Michigan
34. Withdrawn
35. Hordis Brothers, Inc., Pennsauken, New Jersey
36. Societa Italiana Vetro, S. p. A., San Salvo (Chieti), Italy
37. Fabbrica Pisana DiSpecchi E Lastre Colate, Milan, Italy
38. N V Glasfabriek "SAS VAN GENT," Sas van Gent, Netherlands
39. Compagnie De Saint-Gobain, Neuilly, France
40. Dearborn Glass Co., Bedford Park (Argo P.O.), Illinois
41. Scanex Sakerhetsglas Aktiebolag, Landskrona, Sweden
42. Societe Industrielle TRIPLEX, Longjumeau, France
43. Boussois-Souchon-Neuvesel, Paris, France
44. Central Glass Co., Ltd., Tokyo, Japan
45. Splintex, Ltd., London, England
46. Cristales Inastillables de Mexico, S.A., Xalostoc Edo. de Mexico
47. Nordiamex Safety Glass OY, Helsinki, Finland
48. Rohm and Haas Co., Philadelphia, Pennsylvania
49. Lamino OY, Tampere, Finland
50. Armourplate Safety Glass Ltd., Port Elizabeth, South Africa
51. Vetreria di Vernante, S. p. A., Cuneo, Italy
52. Shatterproof Glass Corp., Detroit, Michigan
53. Hsinchu Glass Works, Inc., Taipai, Taiwan, Republic of China
54. Sunex Sakerhetsglas AB, Lyseki, Sweden
55. Globe Glass Mfg. Co., Elk Grove Village, Illinois
56. Armour Glass Co., Santa Fe Springs, California
57. Aktiebolaget Trempex, Eslov, Sweden
58. Shatterproof de Mexico, S.A., Col. Industrial Vallejo, Mexico 15, D.F.
59. Industrias Venezolanas Automotrices C.A., Caracas, Venezuela
60. Muotolasi OY, Rauma, Finland
61. Taylor Products Inc., Payne, Ohio
62. Cal Tuf Glass Corp., Alhambra, California
63. Union Carbide Corporation, Ottawa, Illinois
64. Tyneside Safety Glass Co., Ltd., Gateshead-on-Tyne, England
65. Royal Industries, Wichita, Kansas
66. Swedlow, Inc., Garden Grove, California
67. Sierracin Corporation, Sylmar, California
68. Vetrobel, S. p. A., Torino, Italy
69. Fujiwara Kogyo Co., Ltd., Osaka, Japan
70. AUTOLASI, Lappi T.L., Finland
71. P. M. Tabor Co., Inc., Costa Mesa, California
72. Mitsubishi Rayon Co., Ltd., Los Angeles, California
73. V. E. Lipponen OY, Oulu, Finland
74. Beclawat (Canada) Ltd., Pointe Claire, Quebec, Canada
75. Ford Motor Company, Dearborn, Michigan
76. The Tudor Safety Glass Co., Ltd., Sheppey, Kent, England
77. Dongsung Glass Co., Ltd. of Korea, Seoul, Korea
78. American Cyanamid Co., Sanford, Maine
79. Triclover Safety Glass Ltd., Waterford, Ireland
80. E. I. du Pont de Nemours & Co., Inc., Wilmington, Delaware
81. Tamglass OY, Tampere, Finland
82. Donnelly Mirrors, Inc., Holland, Michigan
83. Vidrierias De Llodio, S.A., Llodio, Spain
84. Lahtis Glasbruk, Borup & Co., Lahti, Finland

85. K.S.H. Incorporated, St. Louis, Missouri Kingsport, Tennessee
87. Glaverbel s.a.—Brussels, Belgium
88. Withdrawn
89. Goodyear Tire & Rubber Company, Akron, Ohio
90. Soliver, Beiligbeidsglas, Groenenherderstraat 18, Belgium
91. Sietex Safety Glass AB, Uppsala, Sweden
92. Toughened Glass Ltd., Liverpool LS6 6BL, England
93. Day Specialties Company Limited, Midland, Ontario, Canada
94. General Electric Company, Pittsfield, Massachusetts
95. Glaverbel Glass Manitoba Ltd., Winnipeg, Manitoba, Canada
96. Taiwan Glass Corporation, Lake Oswego, Oregon
97. AB Emmaboda Glasverk, Sweden
98. Plaskolite Inc., Columbus, Ohio
99. Ohio Plate Glass Company, Paul Manufacturing, Lewisburg, Ohio
100. Mills Appliance Products, Ltd., Bramalea, Ontario, Canada
101. Polycast Technology Corporation, Stamford, Connecticut
102. Glass Develop AB, LUND, Sweden
103. Artistic Glass Products Co., Quakertown, Pennsylvania
104. Sheffield Poly-Glaz, Inc., Sheffield, Massachusetts
105. ASG Industries Inc., Kingsport, Tennessee
106. Bakelite Xylonite Inc., Brantham, Manningtree, Essex, England
107. N. V. Hardmaas, Panovenweg 20, Holland
108. Tenneco Chemical Inc., Newton Upper Falls, Massachusetts
109. S. A. Glaceries de Saint Roch, Auvelais, Belgium
110. Windor Industries Inc., Dallas, Texas
111. Gebr. Happich GmbH., Wuppertal, West Germany
112. Roehm GmbH., Darmstadt, West Germany
113. Southern Plastics Co., Columbia, South Carolina
114. Paulding Glass Products, Inc., Paulding, Ohio
115. Hamilton of Indiana Inc., Vincennes, Indiana
116. Surelite Inc., Conway, Arkansas
117. Autoglass Peruana S. A., Lima, Peru
118. Toho Kasei Co. Ltd., Yokohama, Kanagawa, Japan
119. Sumitomo Chemical Co. Ltd., Higashi-Ku, Osaka, Japan
120. Vidrios Securit S.A., Barranquilla, Columbia
121. Cadillac Plastic & Chemical Co., Detroit, Michigan
122. Shatterpruff Safety Glass Ltd., Port Elizabeth, South Africa
123. B & S Plastics Inc., Jacksonville, Florida
124. XCEL Corporation, Newark, New Jersey
125. Sun Valley Tempered Glass Co., Oxnard, California
126. J. W. Carroll & Sons, Wilmington, California
127. Garibaldi Temper Glass Ltd., North Vancouver, British Columbia, Canada
128. Industrija Stakla Pancevo, Pancevo, Yugoslavia
129. Viracon, Inc., Owatonna, Minnesota
130. Vidrio Plano De Mexico S.A., Mexico 14, D.F., Mexico
131. Acryltech Inc., St. Paul, Minnesota
132. Fourco Glass Co., Fort Smith, Arkansas
133. M. L. Burke Company, Cornwells Heights, Pennsylvania
134. Triplex Ireland Ltd., Templemore Co., Tipperary, Ireland
135. Breaksafe Company, Chicago, Illinois
136. Brunswick Glass Ltd., Moncton, N.B., Canada
137. Yokohama Kogaku Mage Garasu Co., Ltd., Yokohama City, Japan
138. W. R. Grace and Co., Los Angeles, California
139. ICI Plastics Ltd., Welwyn Garden City, Herts, A L7 1HD, England
140. Thomas Bennet, Ltd., Leeds, England
141. Iahizuka Safety Glass Company, Ltd., Tokyo, Japan
142. CY-FAB Manufacturing & Engr. Corporation, Detroit, Michigan
143. Galaxy Glass Ltd., Winnipeg, Manitoba, Canada
144. Rowland, Inc., Kensington, Connecticut
145. Lustro Plastics Co., Valencia, California

[FR Doc. 74-18635 Filed 8-13-74;8:45 am]

## ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

### CONSOLIDATED EDISON CO. OF NEW YORK, INC.

### Determination Regarding Request for Variance from Interim Acceptance Criteria

By letter dated January 31, 1974, the Consolidated Edison Company of New York, Inc. (licensee) requested a variance for Indian Point, Unit 1 from the requirements for achieving compliance by July 1, 1974 with the Commission's Interim Acceptance Criteria (IAC) for Emergency Core Cooling Systems (ECCS) for Light-Water Power Reactors set forth in the Commission's Interim Policy Statement (36 FR 12247, June 29, 1971). The variance requested was for an extension of time until March 1, 1975 to achieve compliance with the IAC or to terminate operation of Unit 1.

On May 31, 1974, the Director of Regulation published (39 FR 19257) a Notice of the Receipt of the licensee's request for a variance. This Notice advised that the Director of Regulation was considering granting a variance from the IAC and invited the submission of views and comments by any interested persons. No comments were received. On June 28, 1974, the Director of Regulation published a determination (39 FR 24942) extending the July 1, 1974, date for compliance with IAC to August 5, 1974. The purpose of this extension of time was to permit the Regulatory staff to consider at the same time all requests submitted by other licensees subject to the provisions of the IAC and 10 CFR 50.46 for variances or extensions of time from the provisions of the IAC or 10 CFR 50.46 in order to assure uniform and consistent treatment of all requests. The interim determination stated that a final determination would be made by August 5, 1974, as to whether a further variance would be granted.

The licensee was notified by letter dated July 22, 1971, that an Emergency Core Cooling System (ECCS) for Unit 1 must be provided by July 1, 1974, in compliance with the IAC. By letter dated September 27, 1971, the licensee stated its intention to comply with the IAC by July 1, 1974. Subsequently Unit 1 experienced considerable operating difficulties with valves, control rod drives, and steam generators. On December 29, 1972, the licensee shut down the plant for refueling and maintenance. The licensee indicated that following completion of these activities it intended to operate the plant for at least 12 additional months for the purpose of evaluating the reliability and availability of Unit 1 and then to shut down the Unit 1 on July 1, 1974, to either install the required ECCS or to decommission Unit 1, depending on its proven availability in the preceding period.

The repairs to the Unit 1 steam generators and rod drives took longer than anticipated, however, and the shutdown extended from December 29, 1972, to January 19, 1974. On January 31, 1974, the licensee requested an extension of the time for compliance with the IAC to permit completion of their 12-month plant availability test run. On July 12, 1974, representatives of the licensee met with members of the Regulatory staff to discuss their request of January 31, 1974, for a variance from the IAC. As a result of this meeting, the licensee has provided, by a letter dated July 31, 1974, additional information in support of this request.

In assessing the request for variance from the requirements of the IAC, the staff has reevaluated various design and operating features of the plant. The staff considered:

1. The capability of the primary coolant water make-up system to prevent core damage during a postulated loss of coolant accident (LOCA).

2. The availability of emergency onsite power during a postulated accident when offsite power is not available.

3. The integrity of the steam generator tubes when subjected to the differential pressure which would result during a postulated rupture of a main steamline.

The major area of staff consideration was the lack of emergency core cooling for coping with sudden major breaks in the primary coolant system. In the event of a postulated LOCA, the primary coolant water make-up system would provide the coolant for the core. This system consists of three high-pressure injection pumps, each of 200 gpm capacity, which inject water into the primary system upon manual actuation from the control room. Two pumps could supply sufficient water to maintain the reactor pressure vessel water level above the core if the postulated break does not exceed the equivalent of a 2 inch line below or a 4 inch line above the core level. The licensee stated at the July 12, 1974, meeting with the Regulatory staff that two pumps provide 400 gpm assured capability for makeup by operator action if the primary coolant system level drops below a set point. Under these conditions, only a rupture greater than the equivalent of a 4 inch line above or a 2 inch line below the core could result in inadequate core cooling. The only primary coolant lines below the level of the core, however, are the 24 inch coolant inlet lines.

Unit 1 has loop isolation valves (one in each hot and each cold leg) that can be remotely closed to prevent a small primary system leak from developing into a more serious break, except for a leak located in the short section of piping between the loop isolation valves and the reactor pressure vessel. Due to the short length of piping in this category and the fact that the primary coolant system in this and other locations was designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code and ASA Code for pressure piping (April 21, 1972, submittal from licensee), the probability of a system leak in these locations is considered to be very small.

Since publication of the IAC, the licensee has taken additional steps to decrease the probability of occurrence of a sudden major LOCA. The licensee has established an augmented inservice inspection program for those portions of the primary coolant system having a diameter of 4 inches or greater. The inspection frequency is triple that required in Section XI, ASME Boiler and Pressure Vessel Code (ASME BPVC), the augmented program meets all other necessary requirements with respect to the ASME BPVC Code. The augmented inservice inspection program was begun during 1973 when the reactor was shutdown for maintenance. Dye penetrant, ultrasonic and visual examinations of welds, bolts, and primary system components have been conducted. These inspections indicated that the primary coolant system was in a satisfactory condition.

Primary coolant system leak detection equipment has also been installed that detects leaks by measurements of radioactivity, humidity, and water inventory balance. Leakage limits have been established in the Technical Specifications for identified and unidentified leakage. When excessive unidentified leakage is detected, procedures for remedial action are required by Technical Specifications. Moreover, in Attachment B to its July 31, 1974, letter, the licensee has committed to increased surveillance of the primary coolant leakage:

> Plant operating personnel will enter the Unit No. 1 containment on a monthly basis for the purpose of performing a visual inspection for leakage from the primary coolant and related systems. As part of the Technical Specification required investigation to determine the location of leakage from the primary coolant system, plant operating personnel will enter the Unit No. 1 containment, if required to identify the source of primary coolant system leakage detected by the plant's leak detection equipment.

With regard to the commitment to investigate to determine the location of possible leakage from the primary coolant system, the licensee will require plant operating personnel to initiate a prompt investigation to determine the extent and location of such leakage by entering containment whenever there is an increase in the measured ambient airborne radioactivity inside the containment equivalent to a 0.5 gpm primary system leak. This commitment for added surveillance of leakage, as an indication of incipient failure of the primary system, enhances plant safety.

The licensee has also taken steps to improve the availability of plant emergency power. Emergency power is normally supplied by offsite power for Unit 1. Available to Unit 1, however, are three gas-turbine generators capable of providing onsite power in the event of loss of onsite power, but the licensee has stated that about 10 minutes would be required from the time of startup of this equipment to the delivery of power. This time is in excess of that required to preclude core damage under most of the postulated LOCA conditions. Therefore, the licensee has committed (Attachment B to the licensee's letter dated July 31, 1974) to maintaining one of the gas-turbine generators on-line during plant operation and one of the remaining two gas-turbine generators in a standby status.

The Regulatory staff also reviewed the potential for rupture of steam generator tubes and the subsequent release of primary coolant into the secondary coolant system during continued plant operation. The steam generator tubes were subjected to eddy current tests during the most recent plant outage. All tubes for which these tests indicated more than 25 percent loss in tube thickness were plugged. Based on tests and evaluation, the licensee stated that it was determined that the tube degradation was due to mechanical defects. However, from the Regulatory staff's experience in this regard, the most significant degradation in steam generator tubes is usually due to chemical attack which results in stress corrosion. In any event, whether the degradation was due to material loss or stress corrosion cracking, further tube degradation could result in tube failures and the release of primary water to the secondary coolant loop. Such failures have a low but finite probability of occurrence during an increase in the tube to shell pressure differential, a condition that would be associated with another low probability event, the rupture of secondary loop piping. However, the Regulatory staff believes that the very low probability of occurrence of this "combined" event, coupled with the low level of radioactivity that would be released during the postulated event (the primary coolant radioactivity concentration is maintained at a low level in accordance with Technical Specifications), result in a risk to the public that is not significant.

For the purpose of demonstrating the need for continued operation of this facility, two factors have been considered by the licensee. These factors are: (1) Operation for a limited period of time to permit determination of the facility operational reliability, and (2) the short-term need for the power produced by Unit 1 based on load demand in the area supplied by the New York Power Pool of which the licensee is a member. These two factors are discussed in the following paragraphs.

Since the licensee recently completed repair of the control rod drives and steam generators and performed overhaul of other components and an augmented inspection, the licensee cited, in support of its request for variance from the IAC until March 1, 1975, the need to verify the reliability of these repairs before commiting the additional capital necessary for installation of an emergency core cooling system. By letter dated July 31, 1974, the licensee again stated that one of the bases for an extension of the ECCS installation date was to provide a period of operation to verify the effectiveness of extensive maintenance and repair efforts undertaken during the year-long 1973 outage to eliminate major causes of downtime, thus enhancing the prospect of improved plant reliability and availability. It was further stated by the licensee that the longer this period of operation, the higher confidence level the licensee will have in its efforts to improve the performance of Unit 1, thereby providing a better basis for determining if the large investment required for additional plant improvements that would be required for long-term plant operation is warranted. If the presently good plant operating experience is continued until October 31, 1974, the licensee states that such experience would make a favorable decision for this added investment highly likely.

The second basis cited by the licensee in support of its request for a variance from the IAC is the short-term need for the additional power produced by Unit 1. In its letter of July 31, 1974, the licensee provided capacity, load and reserve data for the period of August 1974 through February 1975. The submission indicates that, in August and September of 1974, there could be a substantial negative reserve capacity for the licensee's system. This negative reserve capacity takes into account unscheduled outages and deratings comparable to those experienced by the licensee during 1972 and 1973. The licensee further stated that additional generating capacity approximately equal to the output from Unit 1 (Roseton Unit 2) is projected to be available during September 1974, but that 60 days from startup of that plant should be allowed before such capacity can be considered reliably available. Based upon the Regulatory staff's experience, it appears reasonable to take into account this period for startup of a large generating unit. Furthermore, by letter dated August 2, 1974 to the Director of Regulations regarding Unit 1, the Federal Power Commission noted its concern regarding the conservation of energy and indicated that the continued operation of Unit 1 for the three month period of August through October would conserve more than one-half million barrels of oil. By letter dated June 5, 1974 to the Regulatory staff, the New York State Public Service Commission indicated that, under adverse conditions expected to exist during the summer and early fall of 1974, there exists a potential for voltage reductions in New York City during peak load periods, with the possibility of load

disconnections if spare capacity, such as that from Unit 1, is not available.

Based on the foregoing considerations and pursuant to the provisions of section IV C 2 (a) and IV C 2 (c) of the IAC, we have concluded that there is adequate reason for granting a further variance from the requirements of the Interim Acceptance Criteria for Indian Point Unit 1 until October 31, 1974, and considering those safety related matters discussed in the foregoing, including: (1) The low probability of a sudden major LOCA occurring simultaneously with a loss of all offsite power in the short period of time until October 31, 1974, (2) the improved availability of on-site emergency power, and (3) the capability of detecting small leaks from the primary coolant system by the planned monitoring and inspection programs prior to the occurrence of a significant primary system pipe break, we have concluded that there is reasonable assurance that granting such variance subject to the conditions cited in Attachment B to the licensee's July 31, 1974 letter, will not adversely affect the health and safety of the public. Accordingly, a variance from the IAC conformance date of August 5, 1974, to no later than October 31, 1974, is hereby granted.

Dated at Bethesda, Maryland, this 5th day of August, 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
*Director of Regulation.*

[FR Doc.74-18437 Filed 8-13-74;8:45 am]

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[Docket No. 50-409]

## DAIRYLAND POWER COOP.

### Determination With Respect To Request for Variance From the Interim Acceptance Criteria

By letter dated June 13, 1974, Dairyland Power Cooperative (licensee) requested a variance for the La Crosse Boiling Water Reactor from the requirements for achieving compliance with the Commission's Interim Acceptance Criteria (IAC) for Emergency Core Cooling Systems (ECCS) for Light-Water Power Reactors set forth in the Commission's Interim Policy Statement by July 1, 1974 (36 FR 12247, June 29, 1971).

On June 14, 1974, the Director of Regulation published (39 FR 20834) a notice of the receipt of the licensee's request for a variance. This notice advised that the Director of Regulation was considering granting a variance from the IAC. This notice also invited the submission of views and comments by any interested persons. No comments were received. On June 28, 1974, the Director of Regulation issued a determination (39 FR 24942) extending the July 1, 1974, date for compliance with the IAC tc August 5, 1974. The purpose of this extension of time was to permit consideration by the Regulatory staff of all requests submitted by other licensees subject to the provisions of the IAC and 10 CFR 50.46 for variances or extensions of time from the provisions of the IAC or 10 CFR 50.46 to assure uniform and consistent treatment of all ECCS evaluations. The interim determination stated that a final determination would be made by August 5, 1974, as to whether a further variance should be granted.

By letter dated January 18, 1972, the licensee responded to the AEC request for a reanalysis of ECCS in accordance with the IAC. Because of the extensive amount of analytical model development work, the submittal of the analysis of the large primary system pipe break was delayed. Proposals for increased inservice surveillance and improved primary leak detection accompanied the ECCS analysis. Changes to the LACBWR Technical Specifications to include increased frequency of inservice inspection beyond ASME code requirements and primary system leakage rate limits were authorized by a letter to the licensee dated February 29, 1972. Other submittals related to the IAC analysis were made by the licensee on March 6, 1972, June 5, 1972, and January 10 and 17, 1974, as part of a continuing effort and in response to requests from the AEC.

A high pressure core spray system powered by either off-site or the existing on-site emergency diesel generator would provide emergency coolant to depressurize the primary system and spray cool the core in the event of a loss-of-coolant accident (LOCA). Based on the Regulatory staff's review of the information submitted by the licensee, we concluded that peak fuel clad temperatures following LOCA resulting from any break up to a double-ended break of the largest primary coolant pipe would be below 2300° F. as required by the IAC. However, the existing systems do not satisfy the current level of reliability for emergency core cooling systems. Loss of off-site power following a LOCA coincident with loss of the on-site emergency diesel generator could result in peak fuel clad temperatures in excess of 2300° F. To improve on-site power reliability, the licensee has committed to provide additional emergency power. Until this can be accomplished, the possibilities of further improving ECCS reliability in the interim were examined. It has been determined that:

1. The on-site emergency diesel power generator can be required to be started by a low reactor vessel water signal in addition to the existing automatic start on low essential bus voltage. This change could provide emergency on-site power faster in accident situations if off-site power is lost.

2. Automatic actuation by high reactor water level of the high pressure core spray pumps at +19 inch water level instead of +7 inch water level, using spare, independent safety channel contacts could be provided. These changes would initiate core spray action sooner and would eliminate dependence on a single relay, failure of which could prevent core spray cooling.

3. An additional manual switch could be installed in series with the control windings of the solenoid valves in the ECCS. This additional switch will eliminate the possibility of a single failure of the boron injection pushbutton switch that could otherwise energize control valves diverting emergency core coolant.

These relatively minor modifications will be made during the next plant outage (currently scheduled for the spring of 1975), in contrast to the more extensive plant modifications associated with providing a redundant on-site source of emergency power.

The analyses submitted by the licensee are based on operation of the high pressure emergency core spray system following a LOCA. To improve the reliability of the high pressure emergency core spray systems, the licensee has committed to rewire the redundant core spray pump motors and valves so that each of the systems is powered from a separate on-site source, and to provide a second on-site emergency power system. These modifications have been scheduled for completion no later than November 1, 1975. We have concluded that the plant is currently capable of remaining within acceptable temperature limits but the level of reliability of installed systems should be improved in consideration of long term operation.

We have concluded that there is good cause for granting a further variance until November 1, 1975, and considering: (1) The extreme low probability of a LOCA occurring simultaneously with a loss of all off-site power and on-site power; (2) the capability for detecting primary coolant leaks or system defects in time to cool down and depressurize in the normal manner; and (3) other modifications that have been or will be completed to further improve emergency core cooling reliability in the interim period while the variance is in effect, we have concluded that there is reasonable assurance that granting such variance will not adversely affect the health and safety of the public. Accordingly, a variance from the IAC conformance date of July 1, 1974, to no later than November 1, 1975, is hereby granted to permit reactor operation while installing the redundant on-site emergency diesel generator and associated components. In the interim, the licensee is directed to complete the modifications listed below during the next plant outage but no later than the scheduled March 1975 outage:

1. Revise emergency diesel controls to start on low reactor vessel water level signal.

2. Install high reactor vessel water level switch to start high pressure core spray system pumps.

3. Install additional switches in series with boron-emergency core spray system control valve solenoids.

This variance is subject to a requirement that the licensee report periodically, but not less than once every three months commencing with the date of this Determination to the Director of Regulation its efforts in attempting to achieve compliance with the IAC. Should these reports reveal that the licensee is not pursuing such compliance in a rea-

sonably diligent manner, the variance may be subject to revocation.

Dated at Bethesda, Md., this 5th day of August, 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
*Director of Regulation.*

[FR Doc.74-18436 Filed 8-13-74;8:45 am]

## PROPOSED LEGISLATION TO AMEND THE PRICE-ANDERSON ACT

### Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed legislation to amend the Price-Anderson Act is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Copies of the Commission's Final Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Office of Antitrust and Indemnity, Directorate of Licensing.

The notice of availability of the Draft Environmental Statement and requests for comments from interested persons was published in the FEDERAL REGISTER on May 10, 1974 (39 FR 16917) and May 28, 1974 (39 FR 18499). The comments received from Federal and state agencies and interested members of the public have been included in an appendix to the Final Environmental Statement.

Dated at Bethesda, Maryland, this 8th day of August 1974.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
*Chief, Office of Antitrust and Indemnity, Direcorate of Licensing.*

[FR Doc.74-18665 Filed 8-13-74;8:45 am]

## ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ATLANTIC GENERATING STATION (AGS) AND FLOATING NUCLEAR PLANT (FNP)

### Notice of Meeting

AUGUST 7, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the AGS and FNP projects will hold a meeting on August 29, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to continue the Committee's formal Construction Permit review of AGS and Manufacturing Permit review for FNP's. The AGS facility will be located offshore from the coast of the State of New Jersey near Atlantic City. The FNP's will be manufactured at a facility to be located at Jacksonville, Florida.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, AUGUST 29, 1974, 9:00 A.M.-4:30 P.M.

The Subcommittee will hear presentations by Regulatory Staff and personnel of Public Service Electric and Gas Co. of New Jersey (PSE&G) and Offshore Power Systems (OPS) and their representatives and hold discussions with these groups pertinent to issuance of a Construction Permit to PSE&G for AGS and a Manufacturing Permit to OPS to fabricate FNP's. The discussions will focus principally upon several major issues and subject items which may include, but are not necessarily limited to, Foundation Engineering, Model Testing (Irregular Wave Effects), Dolosse Design, Breakwater Design (Open vs. Closed Configuration), Degraded Accident Studies and Platform Hull Material Specifications and Fracture Control.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and applicants to discuss privileged information relating to plant security, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to site security which is privileged and falls within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than August 22, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for AGS and the OPS Plant Design Report for the FNP and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey, (AGS and FNP), the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only).

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the afternoon portion of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 28, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., and within nine days at the following Local Public Document Rooms: Stockton State College Library, Pomona, New Jersey (AGS and FNP), the Jacksonville Public Library, 122 North Ocean Street, Jacksonville, Florida 32204 (FNP only), and the Business and Science Division, New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana 70140 (FNP only). Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after October 29, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
*Advisory Committee Management Officer.*

[FR Doc.74-18435 Filed 8-13-74;8:45 am]

## CIVIL AERONAUTICS BOARD

[Docket No. 26907]

### LONG-HAUL MOTOR/RAILROAD CARRIER REGARDING AIR FREIGHT FORWARDER AUTHORITY CASE

#### Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on September 25, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Henry Whitehouse.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 5, 1974, and the other parties on or before September 17, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., August 8, 1974.

[SEAL] ROBERT L. PARK,
*Chief Administrative Law Judge.*

[FR Doc.74-18688 Filed 8-13-74;8:45 am]

[Docket No. 26709; Order 74-8-38]

### PHILIPPINE AIR LINES, INC.

#### Order Regarding Schedules

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of August, 1974.

The Board has been advised by the Department of State that Notes have been exchanged between the Governments of the United States and the Philippines whereby an arrangement governing the respective carriers' capacity has been agreed upon effective August 10, 1974. The provisions governing capacity are of an interim nature pending further negotiations which are to resume within ninety days. Accordingly, notwithstanding Order 74-7-51 and pursuant to the provisions of § 213.3(c) of the Board's Economic Regulations Philippine Air Lines is hereby authorized to operate between San Francisco and Manila via Honolulu up to three weekly scheduled flights with DC-10 aircraft until further order of the Board.

This order shall be served on Philippine Air Lines and the Philippine Ambassador to the United States in Washington, D.C.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.74-18689 Filed 8-13-74;8:45 am]

## CONSUMER PRODUCT SAFETY COMMISSION

### COMMITTEE FOR HAND GUN CONTROL

#### Notice of Meeting

The Consumer Product Safety Commission gives notice that on August 26, 1974, Mr. Michael D. Hausfeld, representing The Committee for Hand Gun Control, will meet with members of the Commission staff, including Bernard Scharf, Office of Standards Coordination and Appraisal, and Alan Shakin, Office of the General Counsel, to discuss the Committee's petition to ban hand gun bullets which is pending before the Commission.

The meeting will be held at 10 a.m. in room 801, 5401 Westbard Avenue, Bethesda, Maryland. Persons wishing to attend should notify Bernard Scharf, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 496-7606.

Dated: August 9, 1974.

SADYE E. DUNN,
*Secretary, Consumer Product Safety Commission.*

[FR Doc.74-18634 Filed 8-13-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[FRL 247-3]

### LAKE MICHIGAN COOLING WATER STUDIES PANEL

#### Notice of Meeting

Pursuant to Pub. L. 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Thursday, August 29, 1974, in meeting rooms of the Sheraton O'Hare Motor Inn, 6810 N. Mannheim Road, Rosemont, Illinois.

The purpose of this meeting is to finalize the Draft Program Report and the Research Priority List which will be included in the Program Report. Continued discussion on the panel's role in advising agencies regarding the implementation of section 316(a) of the Federal Water Pollution Control Act Amendments of 1972 will also be included in the agenda.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper, should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 1 North Wacker Drive, Chicago, Illinois 60606. The telephone number is area code 312-353-5757.

JOHN QUARLES,
*Acting Administrator.*

AUGUST 9, 1974.

[FR Doc. 74-18758 Filed 8-13-74;8:45 am]

[OPP-32000/99 (FRL 249-5)]

### NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

#### Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before September 30, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA ajudication which are received after September 30, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 1029-RRI. Aidex Corp., 1024 North 17th, Omaha NB 68102. RABEX LIVESTOCK DUST. Active Ingredients: 2-chlor-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481-RTL. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles CA 90023. METHYL PARATHION 5 ORGANOPHOSPHORUS INSECTICIDE EMULSIFIABLE LIQUID. Active Ingredients: 0,0-dimethyl 0-p-nitrophenyl phosphorothioate 54.0%; Xylenerange aromatic solvent 39.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1999-RN. Anderson Exterminating Co., 1100 W. Jackson, Chicago IL 60607. EXTERMINATING ANDEX INSECT POWDER. Active Ingredients: Sodium Fluoride 38.80%; Pyrethrins 0.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2382-AI. Carson Chemicals, Inc., PO Box 466, New Castle IN 47362. D-F-T SPRAY FLEA & TICK KILLER. Active Ingredients: Carbaryl (1-Naphthyl N-Methylcarbamate) 2.50%; Pyrethrins 0.06%; Technical Piperonyl Butoxide 0.60%; Butoxypolypropylene glycol 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2639-0. Coastal Chemical Co., Inc., PO Box 1888, Savannah GA 31407. COASTAL HOSPITAL CLEANER/DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2639-I. Coastal Chemical Co., Inc. COASTAL INDUSTRIAL CLEANER/DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2639-RN. Coastal Chemical Co., Inc. COASTAL CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2413-I. M & M Chemical Sales Corp., 1073 Hancock St., Quincy MA 01057. MEMRO BRAND PINE ODOR DISINFECTANT. Active Ingredients: Pine Oil 33.0%; Isopropyl Alcohol 13.6%; Soap 11.0%; Caustic Soda 1.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 27581-G. Midland Research Laboratories, Inc., 9420 Quivira Rd., Lenexa KS 66215. CHEM-I-CAL 607. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4972-RA. Protexall Chemicals, Inc., Rt. 2, Box 424, Daytona Beach FL 32019. PROTEXALL INSECT REPELLENT PRESSURIZED. Active Ingredients: N,N-diethyl-m-toluamide 16.625%; other isomers .875%; N-octyl bicycloheptene dicarboximide 5.000%; 2,3;4,5-Bis (2-butylene) tetrahydro-2-furaldehyde 1.250%; Di-n-propyl isocinchomeronate 1.250%; 25.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 572-EOR. Rockland Chemical Co., Inc., PO Box 204, Caldwell NJ 07006. ROCKLAND RESIDUAL SPRAY CONTAINS DURSBAN. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 68.737%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226-GU. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. ROCKWOOD BRAND PARATHION-ETHYL METHYL 6—3 ORGANOPHOSPHORUS INSECTICIDE EMULSIFIABLE LIQUID. Active Ingredients: O,O-diethyl O-p-nitrophenyl phosphorothioate 57.88%; O,O-dimethyl O-p-nitrophenyl phosphorothioate 28.94%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-REG. The O.M. Scott & Sons Co., Marysville OH 43030. (SCOTTS) SPOT ERASE VEGETATION CONTROL. Active Ingredients: Dimethylarsinic acid 1.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 201-GTG. Shell Chemical Co., A Div. of Shell Oil Co., Suite 200, 1025 Connecticut Ave., N.W., Washington DC 20036. CHILD PROTECTOR-TOP SHELL HOUSE & GARDEN INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate, 0.350%; Related Compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715-GA. Speer Products, Inc., PO Box 9383, 105 South Parkway West, Memphis TN 38109. SPEER FLEA & TICK SPRAY FOR DOGS. Active Ingredients: Pyrethrins .056%; Rotenone .024%; Other Cube Resins .048%; Carbaryl (1-Naphthyl N-Methylcarbamate) .500%; Petroleum distillate .224%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998-RRG. Superior Chemical Products Inc., 3942 Frankford Ave., Phila PA 19124. OMNICIDE ONE SNAP KLEEN-OUT FOGGER. Active Ingredients: Pyrethrins 0.7%; Technical piperonyl butoxide 2.0%; Petroleum solvent 7.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1748-REA. York Chemical Co., Inc., 195 Atlantic Ave., Garden City Park, L.I. NY 11040. CERTOX INSECTICIDE POWDER CODE NO. DR-1. Active Ingredients: Pyrethrins 1.00%; Piperonyl Butoxide, technical 10.00%; Amorphous Silica Gel 40.00%; Petroleum Hydrocarbons 49.00%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: August 7, 1974.

JOHN B. RITCH, Jr.,
*Director,*
*Registration Division.*

[FR Doc.74-18615 Filed 8-13-74;8:45 am]

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[FRL 250-5]

## MISSOURI

### Public Hearing and Request for State Program Approval To Control Discharges of Pollutants to Navigable Waters

The State of Missouri has submitted a request for approval of its program to control discharges of pollutants to navigable waters under section 402 of the Federal Water Pollution Control Act Amendments of 1972 (the Act), 33 U.S.C.A section 1342(b).

A public hearing to consider this request will be held on September 18, 1974, at the office of the Missouri Clean Water Commission, 1014 Madison Street, Jefferson City, Missouri, starting at 1 p.m.

The hearing panel will consist of the Environmental Protection Agency Administrator, who will serve as the Presiding Officer, the Director of the Missouri Department of Natural Resources, and the Environmental Protection Agency Regional Administrator, Region VII, or the representatives of these persons.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State's Attorney General that its laws provide adequate authority to carry out the program described. The Administrator is required to approve each such submitted program unless it does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program the State must have the authority, among others, to: (1) Issue permits which comply with all pertinent requirements of the Act, (2) abate violations of permits or the permit program including civil and criminal penalties, and (3) ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing with regard to each permit application. The State must also have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods

prescribed by the Act. [EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.]

The State of Missouri proposes that the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65101 (area code 314–751–4422), operate this program for control of discharges into navigable waters of the State in compliance with the Act. The chief officials are Christopher S. Bond, Governor of Missouri, James L. Wilson, Director, Missouri Department of Natural Resources, Kenneth M. Karch, Director, Division of Environmental Quality of the Missouri Department of Natural Resources, and Jack K. Smith, Director of Staff, Missouri Clean Water Commission.

This request and program description may be inspected by the public at the Missouri Clean Water Commission or at the United States Environmental Protection Agency, Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (area code 816–374–5828).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by September 25, 1974, either in person or by mail, to the Environmental Protection Agency, Region VII, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious or irrelevant to the decision to approve or require revision to the State program as submitted.

All comments received by September 25, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Missouri's request for state program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ALAN G. KIRK II,
*Assistant Administrator for Enforcement and General Counsel.*

[FR Doc.74-18647 Filed 8-13-74;8:43 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20123]

### AERONAUTICAL ADVISORY FREQUENCIES

### Notice of Inquiry Regarding Utilization and Assignment

In the matter of utilization and assignment of aeronautical advisory frequencies.

1. This Inquiry is instituted under section 403 of the Communications Act of 1934, as amended, to review problems relating to the growing congestion on the frequency 122.8 MHz assigned to aeronautical advisory stations (called Unicoms) at uncontrolled airports. These stations are used for advisory and civil defense communications primarily with private aircraft stations.

2. The congestion of the primary Unicom frequency (122.8 MHz) has been steadily growing worse during the past decade because of both the growing numbers of general aviation aircraft (now totaling approximately 140,000), and an even larger increase in the number of radios. In the more densely populated areas this frequency is congested at times to the point of being unusable. In instances such as these, when only parts of sentences can be understood, it very well could be that safety of flight could be compromised.

3. As a result of preliminary meetings with aviation user groups and with the FAA industry liaison representatives, it appears that possible relief from this problem could be obtained through realignment and reassignment of adjacent frequencies. It is the purpose of this Notice of Inquiry to solicit relevant information and comments that can serve as a basis first to confirm the problem and subsequently, to insure the design of an effective and equitable solution which will provide better utilization of, and lessen the congestion on, the frequency 122.8 MHz.

4. Frequencies in the band 121.9625–123.0875 MHz are allocated for use by private aircraft. Ground stations are permitted operation on these frequencies for the purpose of providing service to private aircraft operation. The latter provision permits the FAA to operate Air Traffic Control stations and nongovernment licensees to operate advisory and multicom stations in the band. This inquiry is concerned primarily with the portion of the band from 122.800 MHz to 123.075 MHz, which is listed below by frequency and authorized use:

122.800, Unicom, Approx. 1900 assignments.
122.825, [2] Air Traffic Control.
122.850, [3] Unicom-high Altitude, 65 assignments.
122.875, [2] Air Traffic Control.
122.900, Multicom, 600 assignments and government participation.
122.925, [2] Air Traffic Control, See Note Below.
122.950, [3] Unicom-high Altitude, 37 assignments.
122.975, [2] Air Traffic Control.
123.000, Unicom at tower and FSS fields, 400 assignments.
123.025, [2] Air Traffic Control.
123.050, Unicom-Helicopter, 175 assignments.
123.075, [2] Air Traffic Control.

The above allocation of frequencies utilizes the recent rule making which authorizes the use of 25 kHz channel spacing (Docket 19647).

5. Over the years, Unicom has been expanded to include five frequencies. The frequencies 122.8 and 123.0 MHz are standard Unicom; 122.8 MHz, where there is no control tower or FAA flight service station and 123.0 MHz where there is a control tower or FAA flight service station. The frequency 123.05 is assigned to heliports. The frequencies 122.85 and 122.95 are for additional assignment when such additional assignment is requested for communication with aircraft at altitudes greater than 10,000 feet above the runway elevation and for assignment to private fields. In addition to these five Unicom frequencies, one other frequency, 122.9, is termed multicom and is assigned for the purpose of directing activities air-to-air, air-to-ground or ground-to-air, such as agriculture, ranching and conservation, forest fire fighting, advertising, and parachute jumping.

6. Separating these special purpose communications as discussed above has not provided a corresponding distribution of usage. The special frequencies are being used very lightly compared to the potential while the congestion on 122.8 MHz grows daily. For example, records show 65 assignments for 122.85 MHz and 37 assignments for 122.95 MHz throughout the entire nation. Therefore, most of the 2,500 Unicom ground stations in the country operate on 122.8 MHz. An informal survey of New York aeronautical charts made in 1973 by the FAA of an area 50 NM in radius around New York City revealed that of the 123 Unicoms listed on the map, there was one ground station on 122.95 MHz, one on 122.85 MHz, three on 123.05 MHz, nineteen on 123.0 MHz, and ninety-nine on 122.8 MHz. This means that two air fields closed to all public traffic had the exclusive use of two frequencies; three heliports laid claim to a third frequency of their own; and the pilots flying into and out of 99 public-use air fields must operate on a single frequency—122.8 MHz.

7. The FCC is interested in receiving

[1] The FCC released a Notice of Proposed Rule Making (Docket No. 20041) on May 10, 1974, which proposes to reassign the frequency 122.925 for use as a discrete natural resources frequency.

[2] No plans at this time by FAA for use as air traffic control frequencies although so designated. Hence, it may be considered for Unicom.

[3] Frequencies referred to as high altitude are for use when communicating with aircraft which are at altitudes greater than 10,000 feet above field elevation. These frequencies are assigned in addition to either 122.800 or 123.000 MHz. These frequencies may also be assigned to airfields not open to the public.

and evaluating all plans and concepts that would, commensurate with the requirements of the aviation users, serve to provide alternatives for alleviating the Unicom congestion problem. Some of the concepts which have been suggested, considered, and upon which the Commission invites comments are:

a. Removal of air-to-air communications from the aeronautical advisory frequencies, excepting safety of flight information. A considerable amount of the congestion is believed to be a result of air-to-air communication. Under this arrangement, consideration should then be given to what frequency(s) upon which air-to-air communication would be permitted.

b. Restricting the use of aeronautical advisory frequencies to communications relating to the necessities of safe and expeditious operation of private aircraft. The use of these frequencies for arranging ground transportation, food or lodging, or for other non-aircraft related requirements would not be allowed. It is proposed that this would significantly reduce the load on aeronautical advisory frequencies.

c. A suggestion directly related to para. 7b above, is that a 25 kHz channel might be authorized for the use of aircraft desiring to communicate with aeronautical advisory stations concerning transportation, lodging, and food. This would allow the majority of the flying public to continue to have the use of aeronautical advisory stations for communications concerning aircraft-related matters while providing a frequency for communications regarding other matters to those aircraft possessing 25 kHz equipment. This might be particularly appropriate in areas where the preponderance of traffic is 25 kHz equipped aircraft.

d. The utilization of some of the Aeronautical Advisory frequencies, as shown in para. 4, indicates that some form of combining functions might be appropriate. For instance, categories of high altitude, helicopters and controlled airfields might, in some combination, share a frequency or use a 25 kHz frequency. (After January 1, 1977, 25 kHz frequencies will be utilized for Enroute Air Traffic Control at high altitude, i.e., above 18,000 ft. as required by Notice of Policy Decision Regarding ATC Radio Frequency Assignments, FEDERAL REGISTER, Volume 38, No. 107, June 5, 1973.) This would leave more of the existing aeronautical advisory frequencies available for the 1900 stations presently licensed on 122.800 MHz.

e. The expanded use of 50 kHz channels. Indications are that a significant portion of the private aircraft are, or soon will be, equipped with 50 kHz equipment. While it is not the Commission's intent to press the use of 50 kHz equipment unreasonably, we are nearing the time when greater utilization of these frequencies should be made.

8. The FCC welcomes the submission of comments that pertain to the problem of Unicom and will consider all proposals which may assist in providing a solution. When all comments have been received and evaluated, the FCC will propose one or perhaps two workable plans which will be released to the public in a notice of proposed rulemaking. In arriving at a design, special consideration will be given to:

a. A plan which is acceptable to the majority of users;
b. Compatibility of adjacent channel usage;
c. Longevity of equipment usage;
d. Economy of transceiver channel replacement;
e. A plan which can be implemented in specific phases; and
f. Incentives for utilizing 50 kHz and 25 kHz channels.

The plan must provide service to the flying public; no private use frequencies will be allocated, i.e., all Unicom licensees must serve any and all private aircraft. There will be no new services provided, nor is it planned to have more than one advisory at a field. It is proposed that the program will be primarily optional and dependent upon the wishes of the users.

9. Interested persons who desire to submit comments on these, or related matters may do so on or before November 15, 1974. Replies to any suggestions or comments may be submitted not later than December 16, 1974. All relevant and timely comments, replies, or other relevant information before the Commission will be considered by the Commission before taking final action on this matter. An original and 14 copies will be furnished of all statements, briefs, or comments filed in response to this Notice.

Adopted: July 31, 1974.

Released: August 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74-18659 Filed 8-13-74;8:45 am]

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[Docket No. 19773]

## BROADCASTS OF SPORTS EVENTS

### Report and Order Regarding Practices of Licensees and Networks

1. By notice of inquiry in the above-captioned proceeding, 41 FCC 2d 660, released June 26, 1973, the Commission solicited comment and information on the following matters:

(a) The extent to which announcers covering sports events are chosen and/or paid by parties other than the station licensee or network, or whose choice by the network or licensee is subject to the veto of any other party;

(b) The extent to which such announcers are regular salaried employees or officials of the organizations whose sports events they broadcast;

(c) The extent to which, under the circumstances set forth in (a) and (b) above, disclosure is broadcast of the relationship of the announcer to the sports promoter;

(d) The extent to which leagues, ball clubs, other sports promoters, colleges, college organizations or other parties other than licensees or networks have exercised control over the content of the broadcasts of their athletic events; e.g., requiring the announcers to promote attendance, praise the team, its players or the organization represented by the team, or to criticize other parties; preventing announcers from giving accurate weather reports or forecasts, commenting on poor attendance, criticizing the play of the team, its players or referees, umpires or other officials;

(e) The extent to which networks and licensees have complied with the requirements of section 317 (b) and (c) of the Communications Act under circumstances set forth in (a), (b) or (d) above, and the extent to which section 508 of the Act has been violated in connection with sports broadcasts; [footnote omitted]

(f) The extent to which networks or licensees have relinquished control over their sports programming to others, or have subordinated the public interest to their private interest by entering into agreements which tend to transfer control of such programming to other parties or which permit such practices as those cited in (d) above;

(g) The extent to which networks or stations may have engaged in, or permitted others to engage in, deliberate distortion or suppression of news in sportscasts;

(h) Whether, for the purposes of the Commission's regulatory policies, play-by-play broadcasts of sports events should be considered as broadcasts of news. [See Letter to ABC et al. (Democratic National Convention) 16 FCC 2d 650 (1969), Hunger in America, 20 FCC 2d 143 (1969), Letter to Mrs. J. R. Paul, 26 FCC 2d 591 (1969)];

(i) Whether, regardless of the possible validity of claims that sports events are not "news" within the meaning of previous Commission rulings on staging or deliberate distortion of news, the public interest is served by the practices set forth in (a) and (b) above and the possible consequences of such practices set forth in (d), (e), (f) and (g);

(j) In the light of the facts and allegations set forth above, what policy or policies, if any, the Commission should adopt with respect to the matters set forth herein.

2. The comments filed in this proceeding[1] establish, inter alia, that:

(a) It is not unusual for announcers[2] covering sports events to be chosen and/or paid by parties other than the station licensee or network;

(b) It is common practice for the selection of announcers covering sports events to be subject to the approval of parties other than the station licensee or network;

(c) It is common practice for parties other than the station licensee or network to place restrictions upon the networks' or licensees' choice of sports announcers;

(d) Disclosure of any relationship between the announcer and parties other than the station licensee or network is almost never broadcast; and

(e) It is common practice for parties other than the station licensee or network to require the licensee or network to carry or not to carry certain events, programs, and/or promotional materials in addition to the sports events themselves.

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[1] A list of parties filing comments has been attached hereto as an appendix. (Appendix filed as part of the original document).

[2] As used herein, the term "announcers" refers to all on-the-air broadcast personnel engaged in the presentation of descriptions of athletic events and/or providing commentary with respect to those events. Such announcers are commonly known as "play-by-play" men, "commentators," and/or "color" men.

3. Most parties filing comments in this proceeding are of the opinion that:

(a) Sections 317 and 508 of the Communications Act of 1934, as amended, are not applicable and/or are not violated by the practices outlined in the notice of inquiry;

(b) There has been no transfer or relinquishment of control over sports programming by networks or licensees;

(c) Networks or stations have not engaged in, nor permitted others to engage in, nor condoned, deliberate falsification, distortion or suppression of news in sportcasts; and

(d) No new Commission policies or regulations are needed to deal with the matters set forth in the notice of inquiry.

Parties filing comments are divided as to whether, for the purposes of the Commission's regulatory policies, play-by-play broadcasts of sports events should be considered as broadcasts of news, entertainment, or both.

4. It is well established that a licensee is responsible for control over the programming of its station.[3] Comments filed in this proceeding reveal that in many cases parties other than the station licensee or network have been contractually accorded a right to select or veto the selection of announcers of sports events. Thus, questions are raised as to the degree of control exercised by a licensee or network over sports programming. The Commission does not believe, however, that according sports organizations a voice in the selection of personnel to announce their events, in itself, necessarily results in the abdication of a licensee's responsibilities. A licensee still can, if it so insists, retain effective control over programming under such circumstances. Therefore, on the basis of information presently before it, the Commission believes that the public interest will best be served, not by flatly prohibiting such arrangements, but rather by requiring licensees to disclose publicly and prominently during each broadcast the existence of such arrangements. The Commission feels that a disclosure requirement will prevent public deception as to possible lack of objectivity based upon the private interest of the announcer. Such disclosure appears to be fully consistent with existing Commission policy and precedent.[4]

5. Although the Commission is not prohibiting the grant to third parties of a voice in the selection of sports announcers, it is emphasized that licensees have a responsibility to refrain from engaging in, or permitting others to engage in, deliberate falsification, distortion or suppression of facts. The Commission also stresses that this responsibility involves the exercise of diligence on the part of the licensee to prevent announcers employed or selected by others from engaging in such practices as have been alleged in certain instances.[5] For purposes of its regulatory policies, the Commission believes it makes no difference whether broadcasts of sports events are considered as news or entertainment. In either case, the Commission has consistently held that it is the licensee's responsibility to refrain from engaging or permitting others to engage in substantial deception of the public by deliberate falsification, distortion or suppression of facts. See, e.g., Letter to NBC, 12 FCC 2d 778 (1968), and Letter to NBC, 14 FCC 2d 976 (1968), which dealt with entertainment programs such as "Golden Globe Awards," "Hollywood Squares" and "PDQ." Finally, although it may not be deliberate distortion for an announcer to give inordinate praise to the home team and its players and to minimize their failings, it should be noted that many of the allegations of distortion or suppression outlined in the notice of inquiry went far beyond general home-team bias on the part of the announcer.

6. Accordingly, licensees and networks are hereby notified that, effective October 16, 1974, they will be required to disclose clearly, publicly and prominently during each broadcast of an athletic event, the existence of any arrangement whereby announcers broadcasting that event may be, directly or indirectly, chosen, paid, approved and/or removed by parties other than the licensee and/or network upon which that event is broadcast. Further, licensees and networks are reminded of their responsibility to refrain from engaging in, or permitting others to engage in, deliberate falsification, distortion or suppression of facts.

7. *It is ordered,* That this proceeding is terminated.

Adopted: July 31, 1974.

Released. August 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74-18658 Filed 8-13-74;8:45 am]

[Docket No. 19978, File No. BPH-3055 et al.]

## KOWL, INC., ET AL.

### Application for Construction Permits; Correction

In re applications of KOWL, Inc., South Lake Tahoe, California, Docket No. 19978, File No. BPH-3055; New World Broadcasting Co., South Lake Tahoe, California, Docket No. 19979, File No. BPH-3077; Entertainment Enterprises, Inc., South Lake Tahoe, California, Docket No. 19980, File No. BPH-3117; for construction permits.

The Memorandum Opinion and Order of the Review Board in this proceeding (39 FR 27349) (FCC 74R-259, released July 19, 1974), is corrected as follows:

Paragraph 1, first sentence: change 39 FR 12846 to 39 FR 12786.

Paragraph 2, sentence 7 and footnote 2: change August 23, 1971 to August 23, 1972.

Released: July 26, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc. 74-18661 Filed 8-13-74;8:45 am]

[Docket Nos. 18791, 18792; File Nos. BRCT-54, BPCT-428]

## WTAR RADIO-TV CORP. AND HAMPTON ROADS TELEVISION CORP.

### Memorandum Opinion and Order Enlarging Issues

In re applications of: WTAR Radio-TV Corp. (WTAR-TV), Norfolk, Virginia, for renewal of broadcast license; and Hampton Roads Television Corp., Norfolk, Virginia, for construction permit for new television broadcast station.

1. The Commission has before it for consideration: (a) A petition for leave to amend its renewal application filed by WTAR Radio-TV Corporation (WTAR) on April 27, 1973; (b) an opposition to that petition, filed by competing applicant Hampton Roads Television Corporation (Hampton Roads) on May 10, 1973; (c) a reply to Hampton Roads' opposition, filed by WTAR on May 18, 1973; (d) a petition to enlarge issues and reopen the record, filed by Hampton Roads on May 10, 1973; (e) an opposition to Hampton Roads' petition, filed by WTAR on May 18, 1973; (f) comments on Hampton Roads' petition, filed by the Broadcast Bureau (Bureau) on May 23, 1973; and (g) a reply to WTAR's opposition and the Bureau's comments, filed by Hampton Roads on June 1, 1973.

2. In his Initial Decision issued on March 21, 1973, Administrative Law Judge David I. Kraushaar proposed the renewal of WTAR's license on comparative grounds, FCC 73D-12. On April 27, 1973, WTAR submitted to the Commission a petition pursuant to § 1.65 of the Commission's rules requesting leave to amend its application for renewal in order to reflect a change in its corporate officers. WTAR states that on April 1, 1973, William A. Gletz replaced Lee Coleman Kitchin as president of WTAR, and that a substitution of Gletz's name for that of Kitchin is therefore necessary in WTAR's renewal application. The petition further asserts that no comparative advantage to WTAR would result from a grant of the amendment. In its

[3] Report and Statement of Policy Re: Commission En Banc Programming Inquiry, 44 FCC 2303, 2308-9, 2313 (1960); Palmetto Broadcasting Co., 33 FCC 250 (1962), reconsideration denied 34 FCC 101 (1963), affirmed sub nom. Robinson v. FCC, 334 F. 2d 534 (1964), cert. denied 379 U.S. 843 (1964); Carol Music, Inc., 37 FCC 379, 382 (1964), reconsideration denied 37 FCC 979 (1964); The Noble Broadcasting Corp., 1 FCC 2d 154, 159 (1965); Programming Policies (Alabama Educational Television Commission), 25 FCC 2d 342, 343 (1970), reconsideration granted in part on other grounds 33 FCC 2d 495 (1972).

[4] See, e.g., Cross Telecasting Inc., 14 FCC 2d 239 (1968); Letter to NBC, 14 FCC 2d 713 (1968); Letter to WCMP Broadcasting Co., 41 FCC 2d 201 (1973).

[5] See paragraphs 3 and 5(d) of the notice of inquiry and certain comments filed in this proceeding; e.g., comments of Shelby Whitfield, Avco Broadcasting Corporation (WWDC-AM-FM) and the Major League Baseball Players Association.

opposition to the petition for leave to amend, Hampton Roads asserts that the decision to replace Kitchin was made some time prior to January 30, 1973;[1] that the decision was of decisional significance in this proceeding, since it altered WTAR's integration proposal; that Section 1.65 of the Commission's rules required that the decision be reported within 30 days after it was made; and that the amendment is therefore untimely and should be rejected. Hampton Roads also asserts that leave to amend should be denied because WTAR has failed to show good cause for amendment as required by § 1.522 of the Commission's rules. WTAR replies that the information in its application became inaccurate only after March 29, 1973, when its Board of Directors passed a resolution effecting the change in officers; that the Commission was properly notified of the change within 30 days of that date; that, in any event, the fact that a § 1.65 issue is raised does not prohibit the acceptance of the amendment; and that it has shown good cause for the amendment, since it was required by § 1.65 to file the instant amendment.

3. On May 10, 1973, Hampton Roads filed with the Commission a petition requesting that the issues in this proceeding be enlarged by the addition of a § 1.65 issue and a misrepresentation issue, and that the record be reopened for the purpose of taking evidence on such issues as well as to determine the effect of the resignation and replacement of WTAR's president on WTAR's integration proposal, Hampton Roads again contends that WTAR made its decision to replace Kitchin sometime before January 30, 1973; and that WTAR failed to report timely this change in its intentions pursuant to § 1.65 of the Commission's rules. Hampton Roads also asserts that because integration credit was specifically claimed for Kitchin's participation in WTAR's day-to-day operations in proposed findings and reply findings filed by WTAR on February 2 and March 2, 1973, there should be an exploration on the record to determine whether WTAR intentionally misrepresented its intergration intentions in its proposed findings. Hampton Roads asserts that WTAR was given credit in the Initial Decision for Kitchin's stock ownership in WTAR, his full time participation in the management of the station, his civic involvement, and his past broadcast experience; that any comparative advantage gained by WTAR as a result of Kitchin's participation in station management must necessarily be lost by his replacement; and therefore the overall weight given to WTAR's integration proposal must be reassessed on a reopened record. The petitioner contends that its evidence is new and could not have been discovered with due diligence because Kitchin's replacement was effectuated after the record was closed, and that the change was of decisional significance because WTAR's integration proposal has been substantially altered. Hampton Roads asserts it has therefore met the procedural test of The News-Sun Broadcasting Co., 27 FCC 2d 61 (1971), for support of a petition to reopen the record, and cites several recent decisions in which the Commission reopened the record to receive new evidence on matters of decisional significance.[2]

4. In opposition, WTAR again urges that the material in its application remained substantially accurate until March 29, 1973, the date when its Board of Directors passed a resolution effectuating the change in its presidency, and that its amendment, filed April 27, 1973, properly came within 30 days of that date. WTAR also opposes addition of a misrepresentation issue on the ground that when it filed its proposed findings in February and early March, 1973, the facts were still as stated in its renewal application and in the hearing record. Opposing Hampton Road's request to reopen the record to reexamine the Administrative Law Judge's resolution of the integration issue, WTAR interprets The News-Sun Broadcasting Co., supra, as requiring unusual and compelling circumstances to overcome the need for administrative finality in administrative proceedings, circumstances which it urges that Hampton Roads has failed to show. Referring to two Norfolk newspaper articles of January 30, 1973,[3] announcing the impending WTAR management change, WTAR argues that Hampton Roads' petition is not supported by newly discovered evidence because five of the principals of Hampton Roads live in Norfolk and must have been aware of the articles. Also, it urges that the change in its presidency is not of decisional significance because the record shows that Gietz had the same ownership interest in the corporate licensee of WTAR as Kitchin, and the facts relating to WTAR's integration of ownership and management remain essentially the same.[4]

Finally, relying on Wilson and Co. v. FCC, 335 F. 2d 788 (1964), WTAR argues that the need for administrative finality outweighs any need for reexamination of the findings and conclusions of the Initial Decision because the instant question involves neither newly discovered evidence relating to the basic qualifications of the applicant nor serious public interest considerations outweighing the public interest inherent in the expeditious disposition of this proceeding.

5. In its comments, the Bureau first asserts that Hampton Roads failed to seek enlargement of the issues promptly upon expiration of a 30-day period running from the date of publication of the newspaper article reporting Kitchin's replacement, and has failed to justify the delay as required by § 1.229(b) of the Commission's rules. Next, the Bureau contends that WTAR's amendment was timely filed because the operative date for amendment was 30 days from the actual change in personnel. The Bureau also contends that under Moline Television Corp., 31 FCC 2d 263 (1971) integration of ownership and management is of secondary importance and as a practical matter in this case was not of such decisional significance as to require reporting under § 1.65 of the Commission's rules. The Bureau also argues that Hampton Road's interpretation of section 1.65, that it requires reporting of any intent to make a substantial change, would require subjective determinations of what constitutes an intention to effectuate a change and would confuse the reporting obligation of § 1.65. Finally, the Bureau opposes the addition of a misrepresentation issue because WTAR's pleadings were properly based on the record evidence and constitute an accurate reflection of that record.

6. As we made clear in our Memorandum Opinion and Order adopting § 1.65 of the Commission's rules, FCC 64–1037, 3 RR 2d 1622, released December 22, 1964, the fact that an applicant is required by § 1.65 to file an amendment is, by itself, no assurance that the amendment will be accepted. See also Grayson Television Co., Inc., 11 FCC 2d 881 (1968). Therefore, before the pending amendment can be accepted, we must determine whether WTAR has shown the "good cause" required by § 1.522 of the Commission's rules for a post-designation amendment.[5] Sands Broadcasting Corp., FCC 61M–1218, 22 RR 106, released July 1, 1961, authoritatively analyzed the criteria accepted for establishing good cause for amendment, and we shall apply those criteria in the present case. WTAR could not have amended its application prior to the formal action of its Board of Directors adopting the change in its presidency. Thus WTAR acted with due diligence in filing its amendment within 30 days of its Board meeting. Neither new parties nor new issues will be required as a result of the amendment.[6] Although the need to amend re-

[1] Attached to the opposition is a newspaper article from The Greensboro Record, dated January 30, 1973, announcing the transfers and the reorganization of Landmark Communications, Inc., parent of WTAR.

[2] Hampton Roads cites Chapman Radio and Television Co., 34 FCC 2d 159 (1972); Dupage County Broadcasting, Inc., 21 FCC 2d 395 (1970); Athens Broadcasting Co., Inc., 27 FCC 2d 7 (1971); Chapman Radio and Television Co., 24 FCC 2d 282 (1970); Brinsfield Broadcasting Co., 21 FCC 2d 707 (1970); and News-Sun Broadcasting Co., 19 FCC 2d 955 (1969).

[3] Attached to WTAR's opposition to Hampton Roads' petition to enlarge issues and reopen the record are newspaper articles from The Virginian-Pilot and The Ledger-Star.

[4] WTAR also cites references in the newspaper announcements to Gietz's broadcast experience. We shall not consider this, since it is premised on extra-record assertions incapable of record verification.

[5] Contrary to Hampton Road's thesis, violation of Section 1.65 is, in and of itself, no bar to acceptance of an amendment. RKO General, Inc., 31 FCC 2d 919 (1971). In any event, the Section 1.65 violation arises from WTAR's failure to notify the Commission of its announced plan to transfer Kitchin, not from its failure to file the instant amendment. See discussion, infra.

[6] The action we take, infra, would be required whether or not the amendment is granted.

sulted from WTAR's voluntary action, neither Hampton Roads nor the Bureau will be unfairly prejudiced by the action we take today. Nor will WTAR be permitted to gain a comparative advantage as a result of the amendment. No one of the above criteria is of decisive significance in the present case. Thus, upon weighing both the positive and negative factors under the Sands test and giving greatest weight to the lack of prejudice to the other parties, we have concluded that leave to amend should be granted.

7. WTAR is correct in its contention that it did not violate § 1.65 of the Commission's rules when it filed the instant petition for leave to amend within 30 days of the Board of Directors' formal resolution replacing Kitchin with Gietz. Applicants are required by § 1.65 to amend their pending applications when the information furnished in that application is no longer substantially accurate and complete in all significant respects. The only information in WTAR's renewal application affected by its action was the list of persons who determine day-to-day programming, make decisions and/or direct the operation of WTAR. The application does not contain any proposals as to WTAR's future integration of ownership and management. Therefore, WTAR's duty of amendment pursuant to § 1.65 arose only after the formal action of its Board of Directors when Kitchin relinquished his duties and was replaced by Gietz. Although § 1.65 requires amendment "as promptly as possible" and establishes an outer limit of 30 days, we have concluded that WTAR's amendment, filed 29 days after formal Board of Directors action, was not so tardy as to constitute a possible violation of § 1.65 for failure to amend.

8. Section 1.65 requires, however, in addition to prompt amendment of a pending application, that

> * * * [w]henever there has been a substantial change as to any other matter which may be of decisional significance in a Commission proceeding involving the pending application, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, submit a statement furnishing such additional or corrected information as shall be appropriate. * * *

9. The fact that Kitchin was to relinquish his duties as president of WTAR was announced in articles published January 30, 1973, in three newspapers controlled by Landmark Communications, Inc. (Landmark), parent of WTAR.[7] The articles concerned a reorganization of the newspaper and broadcast divisions of Landmark which, according to one paper,[8] had been announced the previous day. Two of the articles[9] stated that under a new policy of separating editorial and business responsibilities in the newspaper area, Lee Kitchin had been elected president of the Times-World Corporation, publishers of *The Roanoke Times* and the *World News*. Moreover, not only was it announced that Kitchin had been elected president of another entity, but it was made clear that he would cease to be president of WTAR and would not be integrated into the station's operations at all. The articles further stated that the reorganization included a "management change" in Landmark's broadcasting stations and that Gietz had been elected president of WTAR while remaining president of WFMY–TV in Greensboro, N.C. Thus it was clear on January 30, 1973, that Kitchin would assume new duties in the Landmark organization, that he would cease to be part of the management of WTAR, and that the integration proposal on which WTAR continued to rely was no longer accurate.

10. We need not hold here that a "mere intention" to make a change in management is enough to require under § 1.65 that the Commission be advised. Nor do we think it crucial whether the announcement in the newspaper accurately reflected what had already been accomplished. The announcement, which was attributed to Frank Batten, the Chairman and Chief Executive Officer[10] of Landmark, which controls the licensee, stated that Kitchin and Gietz had been elected. Thus Landmark voluntarily and publicly announced in its own newspapers that Kitchin had been chosen for a new position and that his successor at WTAR had already been selected. Under these circumstances, we believe that WTAR knew of and failed to report to the Commission a "substantial change" within the meaning of § 1.65 of the Commission's rules.[11]

11. We also believe that Landmark's announced decision to replace WTAR's president may be of decisional significance in this proceeding. In our Memorandum Opinion and Order adopting § 1.65, supra, we made clear that we considered substantial changes in an applicant's integration proposal to be of decisional significance:

> In general, applicants should report any substantial change in circumstances pertaining to * * * factors urged as a basis for * * * a comparative preference. In broadcasting cases, it is clear that an applicant should report * * * changes in plans as to * * * integration of ownership with management.

In the Initial Decision in this case, WTAR was given a slight preference for qualitatively superior integration of ownership with management. WTAR was credited, inter alia, with Kitchin's integration into its day-to-day operations and with his extensive broadcast experience, local residence, and civic involvement. It is apparent from the record that Gietz' ownership interest in Landmark is identical to that held by Kitchin. The record does not reveal, however, Gietz' broadcast experience, residence, or civic involvement. The newspaper articles[12] before us state that Gietz will continue as president of WFMY–TV in Greensboro, N.C., will become president of WTAR and will "* * * head a newly created Landmark Broadcasting Division comprised of the stations in Norfolk and Greensboro." This information raises the question of whether Gietz will be involved full-time in the day-to-day operations of WTAR, as was Kitchin.

12. Should Gietz be found inferior to Kitchin on any of these qualities, the Administrative Law Judge's conclusions on the overall integration factor could possibly change. Although integration was not the only basis relied on by the Administrative Law Judge for his proposed grant to WTAR, it could become decisive if the other bases of his ultimate conclusion are modified or rejected by the Commission on exceptions to the Initial Decision. Therefore Landmark's plan to replace WTAR's president must be considered decisionally significant at this point in the proceeding. When the facts with respect to Gietz's qualifications and the circumstances of WTAR's failure to comply with § 1.65 are made a matter of record, the Administrative Law Judge can then determine the extent to which his findings affect WTAR's qualifications. Thus we have concluded that a § 1.65 issue should be added against WTAR. The findings under that issue should be considered in determining WTAR's basic qualifications, and if WTAR is found to be basically qualified, in evaluating WTAR comparatively with the competing applicant.

13. In reaching this conclusion, we are not following the Bureau's suggestion that WTAR must be judged solely on its past broadcast record and that WTAR's integration is therefore not of decisional significance. Integration of ownership creates a presumption that proposed policies are more likely to be carried out by an applicant whose beneficial owners take an active part than by an applicant whose owners will not participate actively in the management of a station. The Bureau's argument is premised on the assumption that this presumption

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[7] Landmark is the publisher of *The Virginian-Pilot* and the *Ledger-Star* in Norfolk, Virginia. It is also the parent of the Greensboro News Company, publishers of *The Greensboro Record*, in Greensboro, North Carolina.

[8] The article in *The Virginian-Pilot*.

[9] The articles were published in *The Virginian-Pilot* and the *Ledger Star*.

[10] The record reveals that Landmark is controlled (66.7 percent of the voting shares) by Landmark Securities, Inc., of which Batten is President and a 33.7 percent voting shareholder. Batten is also a trustee of a trust holding 27.2 per cent of the voting shares of Landmark Securities, Inc.

[11] Assuming that Hampton Roads' principals probably saw the January 30, 1973, articles in the Norfolk newspapers, as WTAR and the Bureau contend, Hampton Roads had no obligation to inform the Commission of WTAR's plans at that time. WTAR had until March 2, 1973, to comply with § 1.65. Even if Hampton Roads could be considered dilatory for filing its petition to enlarge issues 10 weeks later, on May 10, the issues are sufficiently to the public interest for the commission to act on its own motion.

[12] The articles are in The Virginian Pilot and the Ledger Star.

need not be invoked where a record is available establishing the capabilities of the management employed by the prospective licensee to carry out established policies. The change in management in the instant case, however, removes this assumption of continuity of performance. The Administrative Law Judge found that Kitchin, as WTAR's president, had the final authority to approve all programming, was in charge of budgeting, and was in charge of all the internal policies and operating procedures of WTAR. Assuming that Gietz had similar duties, and no others, there is no assurance that his performance will duplicate that of Kitchin, since the two men presumably have different values and abilities. We note that the 1965 Policy Statement on Comparative Broadcast Proceedings, 1 FCC 2d 393, will govern the introduction of evidence here, and we will adhere to the practice of permitting the parties to argue the weight to be accorded the various comparative criteria.[13]

14. We agree with WTAR that a misrepresentation issue is not warranted by its actions. Proposed findings, by their very nature, are restricted to a reflection of the record evidence in a proceeding. Since the record on the dates on which WTAR filed its proposed findings did not reflect WTAR's plan to replace Kitchin, those findings correctly reflect that record and do not constitute misrepresentations. Inherent in WTAR's actions, however, is the possibility of an intent to mislead. In Carol Music, Inc., 37 FCC 379, 3 RR 2d 477 (1964), the Commission revoked the license of an FM station that, inter alia, changed its program format shortly after renewal to a storecasting format, contrary to the program proposals made in its renewal application. In our view the filing of proposed findings containing representations as to the applicant's future plans which, while reflecting the record, are no longer accurate, is sufficiently serious to warrant an inquiry into possible lack of candor by the licensee. We shall therefore add a lack of candor issue against WTAR and findings under that issue will be considered in determining WTAR's basic qualifications, and, if WTAR is determined to be basically qualified, in evaluating WTAR comparatively with the competing applicant, Hampton Roads.

15. Finally, we shall remand this proceeding to the Administrative Law Judge for further hearings and a Supplementary Initial Decision containing a reevaluation of his findings and conclusions on the integration factor. While Gietz's broadcast experience, residence, community and civic involvement, and participation in the day-to-day operations of WTAR cannot be considered to the extent they surpass the credit given to WTAR for Kitchin's qualities, they can be considered to the extent that they are comparatively inferior to those of Kitchin. Thus, while WTAR may not improve its comparative position by the change in its presidency, it must be charged with any detrimental effect of the change. While the record does reveal Gietz's ownership interest in Landmark, it does not reveal his broadcast experience, residence, or civic involvement. In view of our decision, supra, to remand this proceeding for hearing on enlarged issues, and in an effort to insure procedural fairness, we believe that Hampton Roads should be given the opportunity to test Gietz's qualifications upon remand. *See* Chapman Radio and Television, 25 FCC 2d 855 (1970).

16. *Accordingly, it is ordered,* That the Petition for Leave to Amend filed by WTAR Radio–TV Corporation on April 27, 1973, is granted and the application of WTAR Radio–TV Corporation is hereby amended to delete the name of Lee Coleman Kitchin as President at Section IV–B, Part VI, Paragraph 21, and to substitute therefor the name of William A. Gietz; and

17. *It is further ordered,* That the Petition to Enlarge Issues and Reopen the Record filed by Hampton Roads Television Corporation on May 10, 1973, is granted to the extent set forth below, and is denied in all other respects; and

18. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the circumstances of the failure of WTAR Radio–TV Corporation (WTAR) to advise the Commission timely of the change in its integration proposal as required by § 1.65; to consider the effect of these findings on WTAR's basic qualifications; and if WTAR be found basically qualified, to determine the effect of these findings on the comparative evaluation of the competing applicants;

(b) To determine whether WTAR and/or its principal lacked candor in filing with the Commission pleadings that correctly reflected the record with respect to integration but did not mention the announced plan to change the management of WTAR; if WTAR or its principal be found to have lacked candor on the comparative evaluation of the of candor on WTAR's basic qualifications to continue as a Commission licensee; and if WTAR be found lacking candor but basically qualified, to determine the effect of lack of candor on the comparative evaluation of the competing applicants;

(c) To determine the effect of the changes in WTAR's integration proposal on the comparative evaluation of the applicants.

19. *It is further ordered,* That the burden of proceeding under the above-stated enlarged issues shall be on Hampton Roads Television Corporation, and the burden of proof under the above-stated enlarged issues shall be on WTAR Radio–TV Corporation; and

20. *It is further ordered,* That this proceeding is reopened and remanded to the presiding Administrative Law Judge for a further hearing on the enlarged issues and for preparation of a Supplementary Initial Decision.

Adopted: July 31, 1974.

Released: August 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
*Secretary.*

[FR Doc.74–18660 Filed 8–13–74;8:45 am]

[13] Belo Broadcasting Corp., FCC 74–673, released June 28, 1974.

## NOTIFICATION LIST

### Changes, Deletions and Corrections

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 328, July 23, 1974

| Call letters | Location | Power kW | Antenna | Schedule | Class | Antenna height (feet) | Ground system: Number of radials | Ground system: Length (feet) | Proposed date of commencement of operation |
|---|---|---|---|---|---|---|---|---|---|
| | | *.610 kHz* | | | | | | | |
| CJAT (now in operation with increase in daytime power). | Trail, British Columbia, N. 49°06'48", W. 117°44'19". | 10D/1N | DA-D ND-N-175 | U | III | | | | |
| | | *1240 kHz* | | | | | | | |
| CJAR (correction to coordinates). | The Pas, Manitoba, N. 53°48'46", W. 101°16'33". | 1D/0.5N | ND-175 | U | IV | 135 | 120 | 324 | |
| | | *1470 kHz* | | | | | | | |
| CHOW (PO 1D/0.5N, DA-2) | Welland, Ontario, N. 42°56'52", W. 79°16'19". | 10D/2.5N | DA-2 | U | III | | | | E.I.O. 7-23-75 |

[SEAL]

WALLACE E. JOHNSON,
*Chief, Broadcast Bureau,*
*Federal Communications Commission.*

[FR Doc.74–18519 Filed 8–13–74;8:45 am]

## FEDERAL HOME LOAN BANK BOARD

[H. C. No. 178]

### FIRST FINANCIAL GROUP, INC:

### Receipt of Application for Permission To Acquire Control of the Standard Savings and Loan Co.

AUGUST 9, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Financial Group, Inc., Newark, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of The Standard Savings and Loan Co., Columbus, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said company by First Financial Group, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before September 13, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
*Assistant Secretary,*
*Federal Home Loan Bank Board.*

[FR Doc.74-18703 Filed 8-13-74;8:45 am]

## FEDERAL MARITIME COMMISSION

### EL FARO DE CABO ROJO SHIPPING CO., INC., ET AL.

### Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

El Faro De Cabo Rojo Shipping Co., Inc.
363 Metropolitan Avenue
Brooklyn, New York 11211
Officers:
Louis A. De Jesus, President
Carmen R. De Jesus, Secretary/Treasurer

Nationwide Import Services
David P. Folds, Jr. d/b/a
International Air Cargo Bldg. B-1
Hancock International Airport
Syracuse, New York 13212

Basmar Export Co.
16 Beaver Street
New York, New York 10004
Officer:
Vincent Bastidas, President

Rita C. Colon
45-91 N.W. 36th Street, Suite 12
Miami, Florida 33166

Donarc Foreign Freight Forwarding
Arthur Robert Clark, Jr. d/b/a
9508 Hagel Circle
Lorton, Virginia 22079

Packair Airfreight, Inc.
115 Lomita Street
El Segundo, California 90245
Officers:
William Randazzo, President/Treasurer/Director
Esther Arlene Randazzo, Secretary/Director
Earl Anderson, Vice President
Catherine Marie Richards, Director

Curtis & Churchill, Inc.
c/o Cichanowicz & Callan
[illegible] Broad Street
New York, New York 10004
Officers:
S. C. Lou, President/Director
Clara H. C. Lou, Secretary/Director
Danny K. T. Wang, Treasurer
Henry Ni, Director

Harry P. Reilly, Jr.
2409 Massachusetts Avenue
Metairie, Louisiana 70003

Dated: August 8, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-18693 Filed 8-13-74;8:45 am]

### JOHNSTON SCANSTAR COMBINED SERVICE

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

John R. Mahoney, Esquire
Casey, Lane & Mittendorf
26 Broadway
New York, New York 10004

Agreement No. 9973-2, among Bluestar Line, East Asiatic Line, and Johnson Line, would extend the joint service's operating authority to inland points in Continental Europe (including Scandinavia and Finland), the United Kingdom and Eire.

By Order of the Federal Maritime Commission.

Dated: August 8, 1974.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-18694 Filed 8-13-74;8:45 am]

### MED-GULF CONFERENCE AGREEMENT

### Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9522-21, among the member lines of the Med-Gulf Conference, would modify the Conference agreement to provide for new self-policing procedures.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

Dated: August 8, 1974.

[FR Doc.74-18695 Filed 8-13-74;8:45 am]

## FEDERAL POWER COMMISSION

### ALASKA POWER SURVEY

### Order Further Amending Orders

AUGUST 7, 1974.

Heretofore the Commission has established various Advisory Committees of the Alaska Power Survey. Appendix A hereto lists all orders under which Alaska Power Survey Advisory Committees are now authorized by the Commission. They include an Executive Advisory Committee and a number of Technical Advisory Committees.

All of these Committees are "advisory committees" within the meaning of the Federal Advisory Committee Act, 86 Stat. 770, and implementing authority of the Office of Management and Budget (OMB) Circular No. A–63 Revised, issued March 27, 1974. The Commission, by General Order No. 464–A issued August 2, 1974, FR ——, implemented Circular No. A–63 Revised. Commission Order No. 464, issued December 19, 1972, 48 FPC 1484, 38 FR 1083, implemented an earlier draft of OMB Circular No. A–63.

This order amends the prior Commission orders, as identified in Appendix A hereto, so as to reflect the issuance of OMB Circular No. A–63 Revised, and the Commission's General Order 464–A. By reason of those authorities, one procedural change is required in the procedures to be followed by advisory committees. Hereafter, public notice of advisory committee meetings shall reflect the requirement of section 8b(3), Circular No. A–63 Revised, rather than the public notice period requirements as set forth in the Commission's Order Amending Alaska Power Survey Orders, issued December 19, 1972, 48 FPC 1456, 37 FR 28654.

Section 8b(3) states in part: public notice of advisory committee meetings "* * * should be published at least 15 days before the date of the meeting except that shorter notice may be provided in emergency situations * * *" As set forth in the Commission's December 19, 1972 order, 48 FPC 1459, the Commission's requirement was "* * * that public notice of all meetings of * * * committees shall be given at least seven days in advance of the meeting, except where impractical to do so or in an emergency situation * * *"

The Commission orders:

(A) The various Commission orders, as identified in Appendix A hereto, are hereby further amended to reflect as a part thereof, all relevant requirements of OMB Circular No. A–63 Revised, dated March 27, 1974, and Commission Order No. 464–A issued August 2, 1974. These requirements include the public notice time requirements of Circular No. A–63 Revised, section 8b(3), as recognized in Order 464–A, Paragraph 5(f) Advisory Committee Meetings, Notice, Public Participation, Conduct, Access to Data, Reporting, and Recordkeeping.

(B) The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate; Chairman, Interstate and Foreign Commerce Committee, House of Representatives; and Librarian, Library of Congress, copies of this order, as constituting a part of the charters of the Alaska Power Survey Advisory Committees.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX A

I. Order authorizing the establishment of Alaska Power Survey Advisory Committees and prescribing procedures, issued June 28, 1972, 37 FR 13130.

II. Order establishing Alaska Power Survey Executive Advisory Committee and designating its membership and chairmanship, issued June 28, 1972, 37 FR 13130.

III. Order establishing Alaska Power Survery Technical Advisory Committees and designating initial membership and chairmanship, issued August 25, 1972, 37 FR 17865.

IV. Order amending Alaska Power Survey Orders, issued December 19, 1972, 37 FR 28654.

V. Order renewing Alaska Power Survey Executive Advisory Committee and Technical Advisory Committees, issued August 8, 1974, —— FR ——.

[FR Doc.74–18573 Filed 8–13–74;8:45 am]

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### ALASKA POWER SURVEY

### Order Renewing Executive Advisory Committee and Technical Advisory Committees

AUGUST 7, 1974.

This order renews the term of five Advisory Committees of the Alaska Power Survey for an additional period through December 31, 1974, from dates in 1974, when these Committees would terminate under prior Commission authorization. The Committees and their previously established terms are as follows:

Executive Advisory Committee established by Commission order June 28, 1972, 47 FPC 1736, 37 FR 13130, for a term ending two years thereafter, to June 28, 1974.

Technical Advisory Committee on Economic Analysis and Load Projections.

Technical Advisory Committee on Resources and Electric Power Generation.

Technical Advisory Committee on Coordinated Systems Development and Interconnections.

Technical Advisory Committee on Environmental Considerations and Consumer Affairs.

all established by Commission order issued August 25, 1972, 48 FPC 397, 37 FR 17865 and each for a term ending two years thereafter, to August 25, 1974.

As presently constituted and proposed to be continued hereafter, the respective memberships of these five advisory committees are as set forth in Appendix A hereto.[1]

The Federal Power Commission hereby determines that the renewal or reestablishment of the aforesaid advisory committees of the Alaska Power Survey for the period set forth herein is in the public interest in connection with the performance of duties imposed upon the Commission by law, and that such action is necessary and appropriate for the purposes of the Federal Power Act, 16 USC 791(a) et seq.

The Commission continues or reestablishes these Committees in accordance with the terms of this order, and the following Commission orders:

Order Further Amending Alaska Power Survey Orders, issued concurrently herewith.

General Order No. 464–A, issued August 2, 1974, —— FR ——.

Order Amending Alaska Power Survey Orders, issued December 19, 1972, 48 FPC 1456, 37 FR 28654.

Order Establishing Alaska Power Survey Technical Advisory Committees and Designating Initial Membership and Chairmanship, issued August 25, 1972, 48 FPC 397, 37 FR 17865.

Order Establishing Alaska Power Survey Executive Advisory Committee and Designating its Membership and Chairmanship, issued June 28, 1972, 47 FPC 1736, 37 FR 13130.

Order Authorizing the Establishment of Alaska Power Survey Committees and Prescribing Procedures, issued June 28, 1972, 47 FPC 1732, 37 FR 13130.

By Notice of Determination and Certification with Respect to Renewal of Alaska Power Survey Advisory Committees, dated July 30, 1974, 39 FR 27607, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the Alaska Power Survey for the period set forth herein, is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the aforesaid advisory committees of the Alaska Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat 770, 773–4.

1. *Purposes.* The purposes of the Executive Advisory Committee of the Alaska Power Survey, as renewed herein, are as set forth in the Commission's order of June 28, 1972, Paragraph 1. *Purpose.*, 47 FPC 1736, and that paragraph is hereby incorporated by reference herein. The purposes of the Technical Advisory Committees of the Alaska Power Survey, as renewed herein, are as set forth in the Commission's order of August 25, 1972, Paragraph 1, Purpose., 48 FPC 397, and that Paragraph is hereby incorporated by reference herein.

It is anticipated that the continuance of these Alaska Power Survey advisory committees for the period ending December 31, 1974, will facilitate the conclusion of the Commission's work on the current phase of the continuing Alaska Power Survey. The Commission's 1969 Alaska Power Survey preceded the current survey.

2. *Membership.* The Chairman, Vice Chairman, Secretary, Alternate Secretary and other members of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto. The Chairmen and other members of the respective Technical Advisory Committees established herein, as selected by the

[1] Attachment filed as part of original document.

Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of future committee members.* All future Executive Advisory Committee members, and persons designated to act as Committee Chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission; *provided, however,* the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate Secretary. All future Technical Advisory Committee members and persons designated to act as Committee chairmen, shall be selected and designated by the Chairman of the Commission with the approval of the Commission; *Provided, however,* The Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate Secretary.

4. The following paragraphs of the Commissions' order issued June 28, 1972, 47 FPC 1732, 1735–36, as amended by Commission order issued December 19, 1972, 48 FPC 1456, 1459–62, and by Order Further Amending Alaska Power Survey Orders, issued concurrently herewith, are hereby incorporated by reference herein:

3. Conduct of meetings.
4. Minutes and records.
5. Secretary of the committee.
6. Location and time of meetings.
7. Advice and recommendations offered by the committee.

5. The Alaska Power Survey Executive Advisory Committee and Technical Advisory Committees renewed by this order shall terminate not later than December 31, 1974.

6. The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order, along with the Order Further Amending Alaska Power Survey Orders, issued concurrently herewith, as constituting charters of the Alaska Power Survey Advisory Committees renewed by this order.

7. This order shall take effect immediately upon the issuance thereof and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74–18572 Filed 8–13–74;8:45 am]

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[Docket No. E–8937]

## BUCKEYE POWER, INC.

### Filing of Supplement to Rate Schedules

AUGUST 6, 1974.

Take notice that Buckeye Power, Inc. (Buckeye) on July 29, 1974, tendered for filing Supplement No. 11 to Rate Schedules FPC Nos. 3–29, inclusive, and Supplement No. 10 to Rate Schedule FPC No. 30. According to Buckeye, the new Rate Schedule COP–1 is designed to encourage the use of unused capacity that now exists because of Buckeye's poor annual load factor.

Buckeye proposes an effective date of December 1, 1974, and states that copies of the filing have been served in its members and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18585 Filed 8–13–74;8:45 am]

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[Docket No. E–7390]

## COMMONWEALTH EDISON CO.

### Notice of Application

AUGUST 8, 1974.

Take notice that on July 17, 1974, Commonwealth Edison Company (Applicant), filed a Supplemental Application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking a modification of the supplemental order issued November 8, 1973, to extend the latest permissible issue date to December 31, 1975 and to extend the latest permissible maturity date to December 31, 1976, on $400 million in unsecured promissory notes previously authorized. All other terms and conditions shall remain in full force and effect.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Illinois, and is engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the City of Chicago.

The net proceeds from the issuance of the notes will be added to working capital for ultimate application toward the cost of gross additions to its utility properties and to reimburse its treasury for construction expenditures. The current construction program calls for electric plant and equipment expenditures in the five-year period 1974–1978 of $4,600,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18569 Filed 8–13–74;8:45 am]

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[Docket No. CP75–22]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

AUGUST 6, 1974.

Take notice that on July 26, 1974, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75–22 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities in the Block 255 Field, Vermilion Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate measurement facilities and approximately 0.6 mile of 10-inch pipeline to extend from the Block 256 "E" platform, Vermilion Block 255 Field, offshore Louisiana, to an underwater valve on an existing 16-inch pipeline in Block 255 of said field owned by Applicant, Columbia Gulf Transmission Company (Columbia Gulf) and Texas Gas Transmission Corporation. Applicant states that it will purchase volumes of natural gas in Block 256 pursuant to the gas purchase contract which is the subject of Texas Gas Exploration Corporation's application pending at Docket No. CI73–681. Due to projected supply deficiencies on its system for 1975 and subsequent years, Applicant submits that the volumes of natural gas which it will purchase and produce in Block 256 of the Vermilion Block 255 Field, estimated to be 20,000 Mcf per day, will aid it in meeting its presently authorized commitments for firm service. Applicant indicates that its share of the natural gas to be transported through the proposed pipeline will be transported through the Blue Water facilities and will be delivered to Transcontinental Gas Pipe Line Corporation for further transportation to Applicant's Appalachian market areas.

Applicant states that the proposed pipeline and measuring facilities will be owned 50 percent by Applicant and 50 percent by Columbia Gulf, and the capacity of the pipeline will be shared in the same proportion. Applicant states

further that Columbia Gulf will construct its portion of the proposed facilities pursuant to budget authorization granted in Docket No. CP74–88.

Applicant estimates the cost of the proposed facilities to be $493,480 which will be financed from funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74–18588 Filed 8–13–74;8:45 am]

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[Docket Nos. RP66–23, G–13183]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Refund

AUGUST 7, 1974.

Take notice that on June 6, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing a report of refunds made to its jurisdictional customers. Consolidated states that the amount refunded is $663,465.62.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74–18591 Filed 8–13–74;8:45 am]

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[Docket No. CP73–258, et al]

## EL PASO EASTERN CO.

### Notice of Extension of Time

AUGUST 8, 1974.

On July 19, 1974 and July 24, 1974, the U.S. Department of Interior and the Department of Health, Education and Welfare requested an extension of time within which to comment on the Draft Environmental Impact Statement of the Staff.

Upon consideration, notice is hereby given that the time is extended to and including August 30, 1974, within which comments may be filed on the Draft Environmental Impact Statement in the above matter.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18580 Filed 8–13–74;8:45 am]

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[Docket No. CP74–289]

## EL PASO NATURAL GAS CO.

### Extension of Time and Postponement of Hearing

AUGUST 7, 1974.

On July 31, 1974, El Paso Natural Gas Company filed a motion for an extension of the procedural dates fixed by order issued July 9, 1974, in the above-designated matter. The motion states that with the exception of the Nevada Industrial Customers whose counsel could not be reached, there was no objection by the parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits by Applicant and Supporting Interveners, August 20, 1974.

Hearing, September 10, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18586 Filed 8–13–74;8:45 am]

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[Docket No. CP73–292]

## EL PASO NATURAL GAS CO.

### Notice of Petition To Amend

AUGUST 8, 1974.

Take notice that on July 29, 1974, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas, 79978, filed in Docket No. CP73–292 a petition to amend the order of the Commission issued in said docket, pursuant to section 7(c) of the Natural Gas Act, on July 17, 1973 (50 FPC —), so as to delete therefrom authorization granted Petitioner to construct and operate the J. Frank Pollard Tap and to sell and deliver natural gas to Pioneer Natural Gas Company (Pioneer) at such location, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The July 17, 1973, order authorized Petitioner to construct and operate certain tap facilities and to sell and deliver natural gas to Southern Union Gas Company, Pioneer and Southwest Gas Corporation for resale to four right-of-way grantors at delivery points on Petitioner's interstate system. Such authorization required that construction be completed and facilities be placed in operation by July 17, 1974.

The petition states that one of such taps, the J. Frank Pollard Tap, to have been located in Pecos County, Texas has not been installed since Mr. Pollard, a right-of-way grantor, did not apply for service through Pioneer, the distributor serving the area in which Mr. Pollard requested the tap. Petitioner states that Mr. Pollard was informed by letter dated July 31, 1973, that such application was necessary. Since the construction period as authorized by the Commision's order issued July 17, 1973, in the instant proceeding has expired, the J. Frank Pollard Tap cannot be constructed. Petitioner states that Mr. Pollard has been advised by letter of such expiration. Accordingly, Petitioner requests that the order issued July 17, 1973, be amended to delete the authorization related to such tap.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18579 Filed 8–13–74;8:45 am]

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[Docket No. CP75–20]

## FLORIDA GAS TRANSMISSION CO., ET AL.

### Notice of Complaint

AUGUST 8, 1974.

Take notice that on July 22, 1974, Florida Gas Transmission Company (Com-

plainant), 1100 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-20 a complaint against Petroleum Management, Inc. (PMI), 1702 600 Building, Corpus Christi, Texas 74102, and Skelly Oil Compny (Skelly), P.O. Box 1650, Tulsa, Oklahoma 74102, hereinafter collectively referred to as Defendants, alleging that said Defendants have failed to comply with section 7 of the Natural Gas Act as implemented by the Commission's regulations thereunder and have failed to comply with the terms of a certificate of public convenience and necessity authorizing the sale from certain reservoirs in the East Arkansas Pass Field, Aransas County, Texas, to Complainant, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Complainant states that gas from certain reservoirs in the East Aransas Pass Field was dedicated to it by contract dated June 28, 1956, as amended, between Coastal Transmission Corporation (predecessor of Complainant) and Atlantic Refining Company, now Atlantic Richfield Company (predecessor to Defendant PMI). The complaint states that PMI succeeded to Atlantic Richfield Company as certificate holder for the sale of gas under the 1956 contract in Docket No. G-11041 and subsequently received authorization to sell gas to Complainant under said contract by Commission order issued January 12, 1970, in Docket No. CI68-957. The complaint states further that the June 28, 1956, contract, as well as assignments from Atlantic Richfield Company to PMI, are on file with the Commission as Petroleum Management, Inc., FPC Rate Schedule No. 4 and supsion as Petroleum Management, Inc., plements thereto. Complainant states that Skelly ratified the subject contract on October 14, 1958, and such ratified contract is on file with the Commission as Skelly Oil Company FPC Rate Schedule No. 252.

Complainant alleges that the Defendants ceased delivery of gas dedicated to it under the 1956 contract in December 1972 or January 1973 but that a search of the records of the Texas Railroad Commission indicates sale of such gas has continued to others since that time. The Complainant asserts that such gas has never been released from its June 12, 1956, contract and that permission and approval for abandonment of sale of such gas to Complainant have never been applied for or obtained from the Commission.

Complainant asserts that Defendants are violating the Natural Gas Act by failing to sell to Complainant gas dedicated to it and that Defendant, PMI, has failed to respond to written inquiries from the Complainant in regard to such matter. Complainant seeks that by this complaint this matter may be taken up with the Defendants in an endeavor to bring about satisfaction of such complaint.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before August 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18507 Filed 8-13-74;8:45 am]

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[Docket No. E-8329]

## IOWA PUBLIC SERVICE CO.

### Notice of Application

AUGUST 7, 1974.

Take notice that on December 13, 1974, Iowa Public Service Company (Applicant), filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, seeking authorization to sell to the Municipal Electric Utility of Cedar Falls, Iowa, approximately 15 miles of 34.5 KV electric transmission line and 75 miles of 13.8 KV electric distribution line for the sum of $31,087.00. The original undepreciated cost of the facilities to be sold aggregated $78,264.43, and the depreciated original cost aggregated $29,772.02.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Sioux City, Iowa and is engaged primarily in the generation, distribution, purchase, transmission, sale at wholesale and distribution of electric energy in 30 counties in the State of Iowa. Applicant is also engaged in the distribution of natural gas within the state of Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18506 Filed 8-13-74;8:45 am]

[Docket No. E-8424]

## JERSEY CENTRAL POWER AND LIGHT CO.

### Notice of Settlement Agreement

AUGUST 8, 1974.

Jersey Central Power and Light Company (Jersey Central) on July 11, 1974, filed a joint Motion together with the Boroughs of Madison, Butler, Lavallette, Pemberton, and Seaside Heights, New Jersey for approval of a Settlement Agreement and termination of proceedings. The Agreement would dispose of all issues in this proceeding which involves the proposed increased rates filed by Jersey Central on September 3, 1973, applicable to wholesale sales to the five municipal customers and one cooperative.

The provisions of the settlement include revisions to Jersey Central's Resale Power Service Schedule RP so as to change the "Determination of Billing Demand" of the rate schedule. Under the revisions, the ratchet provision of the schedule, under which the billing demand may be 60 percent of the highest measured demand in the eleven months preceding the billing period, will not apply to measured demand prior to December 2, 1973 and will be applied at a 40 percent level in computing billing demands in 1974, at a 50 percent level in 1975, and at a 60 percent level in computing billing demands in 1976 and subsequent years. The settlement provisions also include a revision to the "Applicability" clause of the rate schedule to make clear that power purchased under rate "RP" may be resold to other utilities, while providing that in the event of a significant change in the characteristics of a customer's load, resulting from such resale, the Company shall have the right to file an appropriate rate revision.

The settlement provides that the Company agrees to refund to its customers served under rate schedule "RP" any amounts collected since December 2, 1973 in excess of amounts that would have been collected under rate "RP" as revised therein, together with interest on such amounts at seven percent per annum. The estimated decrease in revenues is approximately $11,360 for 1973, $68,823 for 1974, and $26,759 for 1975.

Jersey Central agrees that it will not file any increase in its all-requirements wholesale service rate to become effective after any suspension thereof, prior to June 2, 1975. Excepted from the moratorium provisions are: (a) The right to file a rate schedule revision to reflect a significant change in the load characteristics of a customer resulting from resale of power by that customer to another utility; and (b) the right to file revisions to the fuel adjustment clause to conform to effective changes in Commission policy. The provisions of the revised rate schedule will also be made applicable by Jersey Central to service to Allegheny Electric Cooperative, Inc., which is not a party to the settlement agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18578 Filed 8-13-74;8:45 am]

[Docket No. E-8365]

## KANSAS CITY POWER & LIGHT CO.

### Notice of Cancellation

AUGUST 8, 1974.

Take notice that Kansas City Power & Light Company (KCP&L) on April 25, 1974, tendered for filing a notice of cancellation of its Rate Schedule FPC No. 51 to be effective on May 31, 1974. The rate schedule is applicable to KCP&L's service to Missouri Power and Light Company.

KCP&L states that it will continue to furnish wholesale power service to Missouri Power and Light Company after May 31, 1974, under the then effective rates and charges as provided for in Docket No. E-8365, provided a new, satisfactory service agreement can be negotiated and executed by the parties within a reasonable time.

KCP&L states that a copy of the notice of cancellation was served upon Missouri Power and Light Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18570 Filed 8-13-74;8:45 am]

[Docket Nos. CP74-133, CP74-144]

## MOUNTAIN FUEL SUPPLY CO. AND COLORADO INTERSTATE GAS CO.

### Notice of Extension of Time

AUGUST 7, 1974.

On August 2, 1974, Mountain Fuel Supply Company filed a motion for an extension of the time for filing its case-in-chief as required by order issued July 12, 1974, in the above-designated matter. The motion states that neither Colorado Interstate Gas Company, also an applicant, nor Staff Counsel has any objection to the extension.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of testimony and exhibits by applicants, August 13, 1974.
Hearing (unchanged), August 22, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18581 Filed 8-13-74;8:45 am]

## NATIONAL GAS SURVEY

### Order Further Amending Orders

AUGUST 7, 1974.

Heretofore the Commission has established various Advisory Committees of the National Gas Survey. Appendix A hereto lists all orders under which National Gas Survey Advisory Committees are now authorized by the Commission. The Committees include an Executive Advisory Committee, a number of Technical Advisory Committees, a number of Technical Advisory Committee Task Forces and a Coordinating Committee.

All of these Committees are "advisory committees" within the meaning of the Federal Advisory Committee Act, 86 Stat. 770, and implementing authority of the Office of Management and Budget (OMB) Circular No. A-63 Revised, issued March 27, 1974. The Commission, by General Order No. 464-A issued August 2, 1974, — FR —, implemented Circular No. A-63 Revised. Commission Order No. 464, issued December 19, 1972, 48 FPC 1484, 38 FR 1083, implemented an earlier draft of OMB Circular No. A-63.

This order amends the prior Commission orders, as identified in Appendix A hereto, so as to reflect the issuance of OMB Circular No. A-63 Revised, and the Commission's General Order 464-A. By reason of those authorities, one procedural change is required in the procedures to be followed by advisory committees. Hereafter, public notice of advisory committee meetings shall reflect the requirement of section 8b(3), Circular No. A-63 Revised, Rather than the public notice period requirements as set forth in the Commission's Order Amending National Gas Survey Orders, issued December 19, 1972, 48 FPC 1462, 37 FR 28658.

Section 8b(3) states in part: public notice of advisory committee meetings "* * * should be published at least 15 days before the date of the meeting except that shorter notice may be provided in emergency situations. * * *" As set forth in the Commission's December 19, 1972 order, 48 FPC 1465, the Commission's requirement was "* * * that public notice of all meetings of * * * committees shall be given at least seven days in advance of the meeting, except where impractical to do so or in an emergency situation. * * *"

The Commission orders:

(A) The various Commission orders, as identified in Appendix A hereto, are hereby further amended to reflect as a part thereof, all relevant requirements of OMB Circular No. A-63, Revised, dated March 27, 1974, and Commission Order No. 464-A issued August 2, 1974. These requirements include the public notice time requirements of Circular No. A-63 Revised, section 8b(3), as recognized in Order 464-A, Paragraph 5(f) Advisory Committee Meetings, Notice, Public Participation, Conduct, Access to Data, Reporting and Recordkeeping.

(B) The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate; Chairman, Interstate and Foreign Commerce Committee, House of Representatives; and Librarian, Library of Congress, copies of this order, as constituting a part of the charters of the National Gas Survey Advisory Committees.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX A

I. Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, issued February 23, 1971, 36 FR 3851.

II. Order Establishing National Gas Survey Executive Advisory Committee and Designating its Membership and Chairmanship, issued April 6, 1971, 36 FR 6922.

III. Order Establishing National Gas Survey Technical Advisory Committees and Designating Initial Membership, issued April 6, 1971, 36 FR 6922.

IV. Order Establishing National Gas Survey Coordinating Committee and Designating its Membership and Chairmanship, issued May 10, 1971, 36 FR 8910.

V. Order Establishing Technical Advisory and Coordinating Committee Task Forces and Designating Membership, issued December 21, 1971, 36 FR 25183.

VI. Order Amending National Gas Survey Orders Issued February 23, 1971, and April 6, 1971, issued April 25, 1972, 37 FR 8578.

VII. Order Establishing Technical Advisory Task Forces and Designating Membership, issued May 25, 1972, 37 FR 11210.

VIII. Order Amending National Gas Survey Orders, issued June 27, 1972, 37 FR 13300.

IX. Order Amending National Gas Survey Orders, issued December 19, 1972, 37 FR 28658.

X. Restatement of Order Authorizing the Establishment of National Gas Survey Advisory Committees and Prescribing Procedures, issued February 23, 1973, 38 FR 5940.

XI. Order Renewing National Gas Survey Executive Committee, issued February 23, 1973, 38 FR 5938.

XII. Order Renewing National Gas Technical Advisory Committees, issued February 23, 1973, 38 FR 5939.

XIII. Order Renewing National Gas Survey Coordinating Committee, issued April 16, 1973, 38 FR 12645.

XIV. Order Renewing National Gas Survey Technical Advisory and Coordinating Committee Task Forces, issued December 28, 1973, 39 FR 1482.

XV. Order Renewing National Gas Survey Advisory Committees and Coordinating Committee, issued December 28, 1973, 39 FR 1540.

[FR Doc.74-18574 Filed 8-13-74;8:45 am]

## NATIONAL POWER SURVEY

### Order Renewing Executive Advisory Committee and Technical Advisory Committees

AUGUST 7, 1974.

This order renews the term of six Advisory Committees of the National Power Survey for an additional period through December 31, 1975, from dates in 1974, when these Committees would terminate under prior Commission authorization. The Committees and their previously established terms are as follows:

Executive Advisory Committee established by Commission order issued August 11, 1972, 48 FPC 314, 37 FR 24213, for a term ending two years thereafter, to August 11, 1974.
Technical Advisory Committee on Conservation of Energy.
Technical Advisory Committee on Finance.
Technical Advisory Committee on Fuels.
Technical Advisory Committee on Power Supply.
Technical Advisory Committee on Research and Development.

all established by Commission order issued September 28, 1972, 48 FPC 637, 37 FR 20999, each for a term ending two years thereafter, to September 28, 1974.

As presently constituted and proposed to be continued hereafter, the respective memberships of these six advisory committees are as set forth in Appendix A[1] hereto.

The Federal Power Commission hereby determines that the aforesaid advisory committees of the National Power Survey, for the period set forth herein, through their continued establishment or reestablishment, is in the public interest in connection with the performance of duties imposed upon the Commission by law, and that such action is necessary and appropriate for the purposes of the FeCeral Power Act, 16 USC 791(a) et seq.

The Commission continues or reestablishes these Committees in accordance with the terms of this order, and the folownig Commission orders:

Order Further Amending National Power Survey.
Orders, issued concurrently herewith.
General Order No. 464-A, issued August 2, 1974—— FR ——.
Order Amending National Power Survey Orders issued December 19, 1972, 48 FPC 1468, 37 FR 28661.
Order Establishing National Power Survey Technical Advisory Committees and Designating Initial Membership and Chairmanship, issued September 28, 1972, 48 FPC 637, 37 FR 20999.
Order Establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 48 FPC 314, 37 FR 24213.
Order Authorizing the Establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972 47 FPC 1740, 37 FR 13380.

[1] Appendix A filed as part of original document.

By Notice of Determination and Certification with Respect to Renewal of National Power Survey Advisory Committees, dated July 30, 1974, 39 FR 27608, the Chairman of this Commission has determined and certified that the renewal of the aforesaid advisory committees of the National Power Survey for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed upon the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the aforesaid advisory committees of the National Power Survey is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

1. *Purposes.* The purposes of the Executive Advisory Committee of the National Power Survey, as renewed herein, are as set forth in the Commission's order of August 11, 1972, Paragraph 1, *Purpose,* 48 FPC 315, and that Paragraph is hereby incorporated by reference herein. The purposes of the Technical Advisory Committees of the National Power Survey, as renewed herein, are as set forth in the Commission's order of September 28, 1972, Paragraph 1, Purpose., 48 FPC 637, and that Paragraph is hereby incorporated by reference herein.

It is anticipated that the continuance of these National Power Survey Advisory Committees for the period ending December 31, 1975, will facilitate the conclusion of the Commission's work on the current phase of the continuing National Power Survey. The Commission's 1970 National Power Survey preceded the current Survey.

2. *Membership.* The Chairman, Secretary and other members of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the appendix hereto. The Chairmen, coordinating representatives, secretaries and other members of the respective Technical Advisory Committees established herein, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. *Selection of future committee members.* All future Executive Advisory Committee members, and persons designated to act as Committee Chairmen shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary. All future Technical Advisory Committee members and persons designated to act as Committee chairmen, coordinating representatives, and secretaries shall be selected and designated by the Chairman of the Commission with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission's order issued June 29, 1972, 47 FPC 1740, 1742-3, as amended by Commission order issued December 19, 1972, 48 FPC 1468, 1471-4, and by Order Further Amending National Power Survery Orders, issued concurrently herewith, are hereby incorporated by reference herein:

3. Conduct of Meetings.
4. Minutes and Records.
5. Secretary of the Committee.
6. Location and Time of Meetings.
7. Advice and Recommendations offered by the Committee.

5. The National Power Survey Executive Advisory Committee and Technical Advisory Committees renewed by this order shall terminate not later than December 31, 1975.

6. The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order along with the Order Further Amending National Power Survey orders, issued concurrently herewith, as constituting charters of the National Power Survey Advisory Committees renewed by this order.

7. This order shall take effect immediately upon the issuance thereof and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18576 Filed 8-13-74;8:45 am]

## NATIONAL POWER SURVEY ADVISORY COMMITTEES

### Order Further Amending National Power Survey Orders

AUGUST 7, 1974.

Heretofore the Commission has established various Advisory Committees of the National Power Survey. Appendix A hereto lists all orders under which National Power Survey Advisory Committees are now authorized by the Commission. The Committees include an Executive Advisory Committee, a number of Technical Advisory Committees, a number of Technical Advisory Committee Task Forces and a Coordinating Committee.

All of these Committees are "advisory committees" within the meaning of the Federal Advisory Committee Act, 86 Stat. 770, and implementing authority of the Office of Management and Budget (OMB) Circular No. A-63 Revised, issued March 27, 1974. The Commission, by General Order No. 464-A issued August 2, 1974, —— FR ——, implemented Circular No. A-63 Revised. Commission Order No. 464, issued December 19, 1972, 48 FPC 1484, 38 FR 1083, implemented an earlier draft of OMB Circular No. A-63.

This order amends the prior Commission orders, as identified in Appendix A hereto, so as to reflect the issuance of OMB Circular No. A-63 Revised, and the Commission's General Order 464-A. By

reason of those authorities, one procedural change is required in the procedures to be followed by advisory committees. Hereafter, public notice of advisory committee meetings shall reflect the requirement of section 8b(3), Circular No. A-63 Revised, rather than the public notice period requirements as set forth in the Commission's Order Amending National Power Survey Orders, issued December 19, 1972, 48 FPC 1468, 37 FR 28661.

Section 8b(3) states in part: public notice of advisory committee meetings "* * * should be published at least 15 days before the date of the meeting except that shorter notice may be provided in emergency situations * * *" As set forth in the Commission's December 19, 1972 order, 48 FPC 1471, the Commission's requirement was "* * * that public notice of all meetings of * * * committees shall be given at least seven days in advance of the meeting, except where impractical to do so or in an emergency situation * * *"

The Commission orders:

(A) The various Commission orders, as identified in Appendix A hereto, are hereby further amended to reflect as a part thereof, all relevant requirements of OMB Circular No. A-63 Revised, dated March 27, 1974, and Commission Order No. 464-A issued August 6, 1974. These requirements include the public notice time requirements of Circular No. A-63 Revised, section 8b(3), as recognized in Order 464-A, Paragraph 5(f) Advisory Committee Meetings, Notice, Public Participation, Conduct, Access to Data, Reporting, and Recordkeeping.

(B) The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate; Chairman, Interstate and Foreign Commerce Committee, House of Representatives; and Librarian, Library of Congress, copies of this order, as constituting a part of the charters of the National Power Survey Advisory Committees.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
*Acting Secretary.*

APPENDIX A

I. Order authorizing the establishment of National Power Survey Advisory Committees and Prescribing Procedures, issued June 29, 1972, 37 FR 13380.

II. Order establishing National Power Survey Executive Advisory Committee and Designating Initial Membership and Chairmanship, issued August 11, 1972, 37 FR 24213.

III. Order establishing National Power Survey Technical Advisory Committees and Designating Initial Membership and Chairmanship, issued September 28, 1972, 37 FR 20999.

IV. Order establishing National Power Survey Coordinating Committee and Designating Its Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

V. Order establishing National Power Survey Technical Advisory Committee on Fuels Task Force—Administrative and Designating Initial Membership and Chairmanship, issued November 2, 1972, 37 FR 23868.

VI. Order establishing National Power Survey Technical Advisory Committee on Conservation of Energy Task Force and Designating Initial Membership and Chairmanship, issued December 7, 1972, 37 FR 26639.

VII. Order establishing National Power Survey Technical Advisory Committee on Finance Task Force—Future Financial Requirements and Designating Initial Membership and Chairmanship, issued December 7, 1972, 37 FR 26550.

VIII. Order establishing National Power Survey Technical Advisory Committee on Fuels Task Forces and Designating Initial Membership and Chairmanship, issued December 7, 1972, 37 FR 26640.

IX. Order establishing National Power Survey Technical Advisory Committee on Research and Development Task Force and Designating Initial Membership and Chairmanship, issued December 7, 1972, 37 FR 26640.

X. Order amending National Power Survey Orders, issued December 19, 1972, 37 FR 28661.

XI. Order establishing National Power Survey Technical Advisory Committee on Power Supply Task Force—Forecast Review and Designating Initial Membership and Chairmanship, issued December 19, 1972, 37 FR 28548.

XII. Order establishing National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply and Designating Initial Membership and Chairmanship, issued February 28, 1974, 38 FR 8962.

XIII. Order renewing National Power Survey Executive Advisory Committee and Technical Advisory Committees, issued August 8, 1974, ____ FR _____.

[FR Doc.74-18571 Filed 8-13-74;8:45 am]

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[Docket No. CI74-738]

## NORTHERN MICHIGAN EXPLORATION CO.

### Amendment to Application

AUGUST 7, 1974.

Take notice that on July 24, 1974, Northern Michigan Exploration Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CI74-738 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act to request a certificate of public convenience and necessity pursuant to the terms of Commission Opinion No. 699 issued on June 21, 1974, in Docket No. R-389-B, and § 2.56(h) of the Commission's general policy and interpretations (18 CFR 2.56(h)), all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

Applicant originally filed in said docket an application for a certificate of public convenience and necessity pursuant to § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) to authorize it to sell up to 40,000 Mcf per day of natural gas from the federal domain, offshore Louisiana to Consumers Power Company, (Consumers) Jackson, Michigan. The proposed sale was to be at an initial rate of 45 cents per Mcf, plus escalations of 1.5 cents per Mcf per year and reimbursement of 7/8 of production taxes and all transportation charges.

Opinion No. 699 and the accompanying order promulgated a national area rate for sales of natural gas in interstate commerce made, inter alia, from wells commenced on or after January 1, 1973, or pursuant to contracts executed on or after January, 1973, for the sale of gas in interstate commerce not previously sold in interstate commerce. The national area rate, subject to Commission adjustment in 1976, was established at 42 cents per Mcf, with 1-cent annual escalations commencing January 1, 1974. In addition, the national area rate includes a proportional upward and downward adjustment for variations in Btu content.

Accordingly, Applicant has amended the application filed by it in the instant docket under § 2.75 to seek certification of the proposed sale to Consumers at the national rate set forth in Opinion No. 699 and pursuant to § 2.56(h) of the Commission's general policy and interpretations and has withdrawn the requests pursuant to § 2.75. Applicant further requests that the requested certificate be issued with the express provision that it shall have the right, in the event Opinion No. 699 is reversed or modified upon appeal or rehearing, to present evidence of supply project or other costs, in accordance with the Commission's rules, opinions, and orders, to support the contract price provided for in the gas purchase and sale agreement between Applicant and Consumers as initially proposed in this proceeding.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene and protests need not do so again.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18592 Filed 8-13-74;8:45 am]

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[Docket No. E-8940]

## NORTHERN STATES POWER CO.

### Notice of Agreement Filing

AUGUST 6, 1974.

Take notice that on July 29, 1974, Northern States Power Company (Northern) submitted for filing an agreement between itself and the City of Bangor, Wisconsin (Bangor). Northern

states that the agreement will terminate all present agreements between the two parties including FPC Rate Schedule No. 37, Supplement No. 2. Northern also states that the proposed agreement will yield no substantial difference in rates paid by Bangor. The agreement, dated June 4, 1974, carries a proposed effective date of September 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18590 Filed 8-13-74;8:45 am]

[Docket No. E-8941]

## NORTHERN STATES POWER CO.

### Notice of Application

AUGUST 8, 1974.

Take notice that on July 29, 1974, Northern States Power Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the Applicant to issue its First Mortgage Bonds (the "Collateral Bonds") to secure pollution control revenue bonds (the "Revenue Bonds") to be issued by the City of Becker, Minnesota, up to an amount of $35,000,000. The Revenue Bonds will be sold by the City as soon as possible after obtaining approval of this application.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minnesota, and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

The Revenue Bonds will be sold to purchase pollution control equipment at Applicant's Sherburne County Generating Plant at Becker, Minnesota. Completion of construction and initial operation of the facilities are scheduled for 1976. Said equipment will be sold by the City to the Applicant pursuant to a sale agreement (the "Agreement") and payment under the Agreement will be sufficient to pay principal, interest, and premium if any, on the Revenue Bonds. The Revenue Bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the Revenue Bonds between the City and the underwriters.

The authorization sought is for Applicant to issue its First Mortgage Bonds to the City to secure the payment of principal, interest, and premium if any, on the Revenue Bonds.

Expenditures during 1974 for the construction program of Applicant are estimated at $245 million, of which $223 million is for electric facilities, $14 million for gas facilities, and $8 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Federal Power Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18588 Filed 8-13-74;8:45 am]

[Docket No. E-8936]

## OHIO POWER CO.

### Notice of Changes in Rates and Charges

AUGUST 6, 1974.

Take notice that American Electric Power Service Corporation (AEP) on July 29, 1974, tendered for filing on behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 4 dated June 24, 1974 to the Interconnection Agreement dated September 6, 1962, between Ohio and Duquesne Light Company, designated Ohio Rate Schedule FPC No. 33 effective June 24, 1974.

Section 1 of the Modification No. 4 provides for an increase in the Demand Charge for Short Term Power from $0.40 to $0.45 per kilowatt per week and section 3 provides for a minimum charge in the Emergency Service Schedule which is applicable only if the supplying party elects the presently available alternative of settlement by cash payment rather than by return of equivalent energy. Waiver is requested of any requirements not already complied with in § 35.13 of the Commission's regulations under the Federal Power Act.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18593 Filed 8-13-74;8:45 am]

[Docket Nos. E-8536, E-8587]

## PUBLIC SERVICE CO. OF INDIANA

### Notice of Filing of Revised Fuel Clause

AUGUST 6, 1974.

Take notice that on July 25, 1974, the Public Service Company of Indiana tendered for filing a revised fuel adjustment clause in accordance with Ordering Paragraph (B) of the Commission's Order issued July 16, 1974, in the above referenced docket. PSCI states that a copy of the proposed fuel adjustment clause has been sent to the customers, all parties listed on the service list, and the Public Service Commission of Indiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-18594 Filed 8-13-74;8:45 am]

[Docket No. RP75-7]

## SOUTHERN NATURAL GAS CO.

### Proposed Changes in FPC Gas Tariff

AUGUST 6, 1974.

Take notice that Southern Natural Gas Company (Southern), on July 26, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. Southern's proposed changes would increase revenues from a field sale to United Gas Pipe Line Company under Southern's Rate Schedule F-13 by $2,600 based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of October 1, 1974.

Southern further states that this filing is being made to reflect an increase in

the Southern Louisiana area rate pursuant to § 154.105(a) (c) (2) for gas sold under contracts dated on or after October 1, 1968.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18589 Filed 8-13-74;8:45 am]

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[Docket No. CI75-45, Docket No. CP75-23]

## TENNECO OIL CO. AND TENNESSEE GAS PIPELINE CO.

### Notice of Application

AUGUST 7, 1974.

Take notice that Tenneco Oil Company (Tenneco Oil) and Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee Gas), P.O. Box 2511, Houston, Texas 77001, [hereinafter jointly referred to as Applicants] have filed in Docket Nos. CI75-45 and CP75-23, respectively, pursuant to section 7(c) of the Natural Gas Act applications for certificates of public convenience and necessity authorizing certain arrangements necessary for the sale of natural gas in interstate commerce by Tenneco Oil to Creole Gas Pipeline Corporation (Creole) for resale to Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

On July 23, 1974, Tenneco Oil filed for authorization to sell up to 22,500 Mcf of gas per day to Creole pursuant to the terms of a contract between the parties dated August 13, 1964, which provides for Tenneco Oil to sell to Creole for resale to Air Products up to 15,000 Mcf of gas per day, and an additional 7,500 Mcf per day upon six months prior notice, for a term extending to August 13, 1989. The price of said gas is currently 19.0 cents per Mcf at 15.025 psia and will increase shortly to 20.0 cents per Mcf, further increasing at five-year intervals to 21.5 cents per Mcf and 21.75 cents per Mcf.

On July 29, 1974, Tennessee Gas filed for authorization to transport up to 22,500 Mcf per day of gas from various points of delivery from Tenneco Oil to the physical point of delivery to Creole at the tailgate of the Ysclosky processing plant in St. Bernard Parish, Louisiana. Tennessee Gas states that it has been rendering this service at 15,000 Mcf per day pursuant to a Gas Transportation Agreement dated September 14, 1964, subsequently amended August 8, 1973, and July 22, 1974, with Tenneco Oil, but that, since Creole has exercised its option, additional volumes will be deliverable beginning January 1, 1976. According to the August 8, 1973, amendment Tenneco Oil pays Tennessee Gas for this service a monthly demand charge calculated by multiplying the contract quantity by 26 cents per Mcf and a volume charge calculated by multiplying the volume delivered by 0.89 cent per Mcf.

Tenneco Oil states that the gas for the subject sale originally came from its reserves at Lake Barre in southern Louisiana. After deliverability declined, however, Tenneco Oil found it necessary to designate other gas for delivery to Creole.[1] Consequently, Applicants request authorization to operate the delivery points already in use through which the following gas is delivered by Tennessee Gas' system to Creole for resale to Air Products:

(1) Gas from Lake Barre, as described;
(2) Gas from South Timbalier Blocks 22 and 27, offshore Louisiana;
(3) Gas from West Cameron Block 201, delivered at points in West Cameron Blocks 194 and 216;
(4) Gas from unnamed fields delivered at a point near the west line of Section 32, Township 12 North, Range 13 West, Desoto Parish, Louisiana.

Applicants further request authorization to operate additional delivery points at which gas will be delivered from the following:

Docket No. CI75-45, *et al.*

(1) Vermilion Block 246, offshore Louisiana;[2]
(2) Tenneco Oil's Terrebonne Land Development, et al., Well No. 1, in Terrebonne Parish, Louisiana.

The applications state that Applicants believed at the time of entering into the initial agreements that said sale of gas for resale and the transportation service did not require certification by the Commission. Tenneco Oil's application, however, states that after Creole notified Tenneco Oil of its intention to exercise its option to purchase the additional 7,500 Mcf per day, a review of the facts and law indicated Commission authorization was required for the entire arrangement.

In view of the foregoing, Tenneco Oil requests authorization for its prior sales and all future sales of up to 22,500 Mcf per day as described above and for operation of all of the above delivery points, both currently in use and proposed for future use; and Tennessee Gas requests authorization for the presently existing transportation service and future service and for the operation of delivery points currently in use and proposed for future use, all as described alone.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74-18587 Filed 8-13-74;8:45 am]

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[Docket Nos. RP66-12, etc. and G-9283, etc.]

## TEXAS EASTERN TRANSMISSION CORP.

### Notice of Refund Schedule

AUGUST 7, 1974.

Take notice that on July 29, 1974, the Texas Eastern Transmission Corporation, pursuant to the Commission's order issued August 3, 1973, in Texas Eastern Transmission Corporation's Docket No. RP66-12 and Atlantic Richfield Company, et al., Docket Nos. G-9283, et al., and in purported compliance with Ordering Paragraph (E) of the Commission's Order issued August 10, 1971, in Docket No. RP66-12, tendered for filing schedules of refunds made pursuant to the above mentioned order. The schedules of refunds consist of a summary schedule of all refunds, three schedules of refunds in Docket No. RP66-12 purportedly computed in accordance with ordering Paragraph (C), one schedule summarizing the supplier refunds of amounts paid to Texas Eastern under Docket No.

[1] Applicants state that Tenneco Oil has been unable at times to deliver the full daily volumes to Creole and that Tennessee Gas has delivered sufficient gas to satisfy contract quantities. This has resulted in an imbalance in deliveries between the two parties.

[2] Tennessee Gas states it will file in the near future for authorization to construct and operate facilities necessary to attach Tenneco Oil's reserves in Vermilion Block 246.

RP66–12, and one schedule setting forth the percent of total distribution of refunds. Texas Eastern Transmission Corporation also tendered for filing detailed refund calculations submitted by Texas Eastern to Algonquin Gas Transmission Company which Texas Eastern states are representative of the detailed refund calculations submitted to all of Texas Eastern's customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74–18582 Filed 8–13–74; 8:45 am]

[Project No. 2153]

## UNITED WATER CONSERVATION DISTRICT

### Application for Amendment of License for Constructed Project

AUGUST 8, 1974.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by United Water Conservation District (correspondence to: Mr. Richard A. Smith, General Manager and Chief Engineer, United Water Conservation District Post Office Box 432, Santa Paula, California 93060) for amendment of license for constructed Project No. 2153, known as the Santa Felicia Project, located on Piru Creek, in Ventura County, California affecting lands of the United States.

The application seeks Commission approval to raise the height of Santa Felicia Dam three feet by addition of a concrete block parapet wall along the crest of the dam, raise sections of the spillway walls, and reinforce a 23-foot long section of the outlet conduit. The additions to the dam and spillway walls are recommended by the Applicant's consultant to contain the estimated probable maximum flood as computed using U.S. Weather Bureau procedures. The consultant's report recommending the changes to the project was submitted to the Commission pursuant to Part 12 of the Commission's regulations.

Any person desiring to be heard or to make protest with reference to said application should on or before September 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–18577 Filed 8–13–74; 8:45 am]

[Docket No. E–8922]

## WASHINGTON WATER POWER CO.

### Notice of Proposed Change in Rates

AUGUST 7, 1974.

Take notice that The Washington Water Power Company of Spokane, Washington (Water Power) on July 22, 1974, pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's regulations thereunder, tendered, for filing a change in rate applicable to Water Power's electric service furnished Pacific Power & Light Company of Portland, Oregon (Pacific) for its resale in and about Sandpoint, Idaho. The change in rate is proposed to become effective September 1, 1974, being the expiration date of the current Water Power-Pacific contract.

Water Power states that the proposed rate change to Pacific is submitted for the purpose of compensating Water Power for increases in its cost of capital, labor, materials and taxes. The proposed rate change brings Pacific under Water Power's Tariff and Rate Schedule 61 filed with the Commission January 3, 1974, and made effective February 4, 1974. Water Power claims that the current wholesale contract rate with Pacific is deficient by some $152,000 annually based on sales volumes set forth in the statements accompanying its notice of change in rates.

Copies of the filing have been served upon Pacific Power & Light Company and the interested state commission.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Water Power's tariff and revisions are on file with the Commission and are available for public inspection.

MARY B. KIDD,
*Acting Secretary.*

[FR Doc.74–18575 Filed 8–13–74; 8:45 am]

# NATIONAL CREDIT UNION ADMINISTRATION

## NATIONAL CREDIT UNION BOARD

### Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on September 5–6, 1974, at the offices of the National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on the progress of the Administration's library project, a briefing on share insurance activities, a briefing on two-year insured Federal credit unions, and other aspects of the Administration.

On September 5, 1974, at 11 a.m., there will be a presentation on the subject of remote automated teller terminal system in use by NCR Employees Credit Union.

Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

HERMAN NICKERSON, Jr.,
*Administrator.*

AUGUST 6, 1974.

[FR Doc.74–18639 Filed 8–13–74; 8:45 am]

# NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## LITERATURE ADVISORY PANEL

### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Literature Advisory Panel to the National Endowment for the Arts will be held at 9:00 a.m. on August 26, 1974 in the conference room of the Shoreham Building, 806 15th St. NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and

recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
*Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.74-18636 Filed 8-13-74;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### LIST OF REQUESTS

### Clearance of Reports

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 9, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Questionnaire—Statistical Abstract of the United States, 1974, Form ____, Single time, Ellett, Statistical abstract users.

National Bureau of Standards:
Voluntary Energy Conservation Labelling Program Consumer Interview Schedule, Energy Guide Label for Refrigerators and Freezers, Form ____, Single time, Weiner/Lowry, Appliance consumers.
Voluntary Energy Conservation Labelling Program Retailer Interview Schedule, Energy Guide Label for Refrigerators and Freezers, Form ____, Single time, Weiner/Lowry, Retail sales personnel.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education:
Career Education Case Studies: Telephone Survey, Form NIE 62, Single time, Planchon, Directors of one hundred career education programs.

ACTION

Program for Local Service Research Questionnaire; Form ____, Single time, Lowry, Volunteers in PLS Program.

ENVIRONMENTAL PROTECTION AGENCY

Benefits of Pollution Abatement; Form ____, Single time, Weiner, Households in Pittsburgh, SMSA.

FEDERAL HOME LOAN BANK BOARD

Notice Filing; Form ____ Occasional, Caywood, Savings and Loan Holding Companies.

REVISIONS

DEPARTMENT OF COMMERCE

Maritime Administration:
Application for Transfer of Vessels, Forms MA29, 29A, 29B, Occasional, Lowry, Private and governmental steamship operators.

ENVIRONMENTAL PROTECTION AGENCY

Inventory of Public Water Supplies: Form EPA 18, Occasional, Lowry, State agency and water utility personnel and Federal Recreation Area managers.

EXTENSIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
1974 Occupational Injuries and Illnesses Survey, Form OSHA 103, Annually, Evinger (x), Employers in private industry except mining.
Occupational Safety and Health Administration: Application for Accreditation to Perform Gear Certification, Form OSHA-20, Occasional, Evinger (x).
Course Evaluation, Form OSHA-49, Occasional, Evinger (x).

DEPARTMENT OF LABOR

Occupational Safety and Health Administration:
Employer/Employee Application for Training, Form OSHA-66, Occasional, Evinger (x).
Material Safety Data Sheet, Form OSHA-20, Occasional, Evinger (x).
Occupational Safety and Health Complaint Form, Form OSHA-7, Occasional, Evinger (x).

VELMA N. BALDWIN,
*Assistant to the Director for Administration.*

[FR Doc.74-18813 Filed 8-13-74;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[70-5519]

### ALLEGHENY PITTSBURGH COAL CO. ET AL.

### Proposed Open Account Advance to Subsidiary Company and Acquisition of Coal Mine by Subsidiary Company Through Installment Purchase

AUGUST 7, 1974.

In the matter of Allegheny Pittsburgh Coal Co., Cabin Hill, Greensburg, Pennsylvania 15601; Monongahela Power Co., 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Co., Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Co., Cabin Hill, Greensburg, Pennsylvania 15601.

Notice is hereby given that The Potomac Edison Company ("PE"), Monongahela Power Company ("Monongahela") and West Penn Power Company ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc. ("APS"), a registered holding company, and Allegheny Pittsburgh Coal Company ("AP Coal"), a subsidiary of West Penn, has filed an application-declaration and an amendment thereto with this Commission designating sections 6, 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants propose a series of transactions designed to enable AP Coal to exercise an option to purchase a coal mine near Cowens, West Virginia, ("Cowens Mine") and to reallocate the ownership of AP Coal. AP Coal, a Pennsylvania corporation, now has as its entire capitalization 10,000 shares of common stock (par value $0.05) issued and outstanding, all of said shares presently being owned by West Penn. AP Coal's principal asset is a coal reserve acquired in 1971 and its principal liability is an obligation to West Penn in the amount of $2,955,000 outstanding as of June 30, 1974. The coal reserve is being held as a coal supply for a future APS station to be owned by West Penn, Monongahela and PE as tenants in common. Except for holding this reserve, AP Coal is an inactive company.

As an initial step in a proposed reorganization and expansion of AP Coal, it is proposed that West Penn make an open account advance of up to $7,000,000 to AP Coal so that AP Coal may exercise an option to purchase the Cowens mine. Pursuant to an option agreement, AP Coal intends to purchase the Cowens mine from Ernest A. Desrosiers, Wilfred Desrosiers, Leo C. Desrosiers and Raymond C. Desrosiers (partners trading and doing business as Desrosiers Brothers) ("sellers") by paying the sellers $6,000,000 upon exercise of the option and the balance of the total stated $27,400,000 purchase price in 40 quarterly installments of $535,000. There is no stated interest rate in the option agreement. At the time of the exercise of the option, AP Coal also intends to exercise an option to purchase coal mining equipment from the sellers for a total price of $1,000,000, this amount to be paid at the time of exercise of said option. It is stated that the Cowens mine will produce low-sulfur coal for use in the APS System.

The open account advance will be made for a period not to exceed 60 days from September 1, 1974, and will bear interest at a rate equal to West Penn's interest cost from time to time of short-term borrowings. The open account advance is to be prepayable at any time without premium or penalty.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over this initial step of the proposed transactions. Fees and expenses to be incurred in connection with all proposed transactions are estimated not to exceed $3,000.

Notice is further given that any interested person may, not later than August 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective pursuant to Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.74-18677 Filed 8-13-74;8:45 am]

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[70-5535]

## DELMARVA POWER & LIGHT CO. AND DELMARVA POWER & LIGHT CO. OF VIRGINIA

### Proposed Issue and Sale of Promissory Notes by Subsidiary Public-Utility Company and Acquisition and Pledge Thereof by Parent Registered Holding Company

AUGUST 7, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware, 19899, a registered holding company and a public-utility company, and its subsidiary company, Delmarva Power & Light Company of Virginia ("Virginia"), U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland, 21801, a public-utility company, all of whose outstanding securities are owned by Delmarva, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 12(d), and 12(f) of the Act and Rules 43, 44, and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

From time to time prior to December 31, 1976, Virginia proposes to issue and sell to Delmarva for cash its promissory notes due 30 years from the date of issuance, in an aggregate principal amount not in excess of $2,750,000. Delmarva will purchase such notes, when issued, at the principal amount thereof plus accrued interest from their issuance date. The notes will bear interest at 10.1 percent per annum (such interest rate being based on the cost of the last public borrowings of Delmarva), but, at such time as Delmarva shall market its next issue of bonds, all notes thereafter issued by Virginia shall bear interest equal to the cost of money to Delmarva under such bond issue, rounded to the nearest higher one-tenth of one percent. The notes and stock will be pledged by Delmarva with Chemical Bank (formerly Chemical Bank New York Trust Company), Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943, relating to Delmarva's first mortgage and collateral trust bonds. Virginia will use the proceeds derived from the sale of the notes for future capital expenditures and other corporate purposes. Proposed additions to Virginia's property and plant are estimated at $1,269,648 for 1974, $1,488,927 for 1975, and $2,233,050 for 1976.

It is stated that other than required filing fees in respect of the proposed transactions, miscellaneous expenses will be nominal. The filing states that the issuance and sale of promissory notes by Virginia, and the acquisition and pledge thereof by Delmarva, are subject to the jurisdiction of the State Corporation Commission of Virginia and indicates that no other State commission and no Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 4, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.74-18678 Filed 8-13-74;8:45 am]

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[70-5357]

## MONONGAHELA POWER CO. ET AL.

### Filing of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks and Commercial Paper Dealers and Exception From Competitive Bidding

AUGUST 7, 1974.

Notice is hereby given that Monongahela Power Company ("Monongahela"), 1310 Fairmont Avenue, Fairmont, West Virginia, 26554, The Potomac Edison Company ("PE"), Downsville Pike, Hagerstown, Maryland, 21740, and West Penn Power Company ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pennsylvania, 15601, public utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed with this Commission a post-effective amendment to the application previously filed in this matter, pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder. All interested persons are referred to the application as now amended, which is summarized below, for a complete statement of the proposed transactions.

By orders dated July 27, 1973 and May 7, 1974 (Holding Company Act Release Nos. 18041 and 18404), this Commission, among other things, authorized the issue and sale of short-term notes to banks and to dealers in commercial paper by PE from time to time for the period July 31, 1973 to December 31, 1974.

The orders also contained a limitation which provided that the maximum amount of unsecured debt, including debt with a maturity in excess of 10 years, outstanding at any one time, shall not exceed 20 percent of PE's total capitalization.

The names of banks from which borrowings are proposed to be effected and the maximum amount which may be outstanding at any one time from each of such banks are as follows:

| | |
|---|---|
| First National City Bank | $40,000,000 |
| Mellon Bank N.A | 30,000,000 |
| Chemical Bank | 30,000,000 |
| Pittsburgh National Bank | 5,000,000 |
| Manufacturers Hanover Trust Co | 20,000,000 |
| Chase Manhattan Bank N.A | 5,000,000 |
| Irving Trust Co | 5,000,000 |
| Total | 135,000,000 |

Each note payable to a bank will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance or renewal thereof, will bear interest at the prime or comparable interest rate of the bank from which the borrowing is made, in effect at the time of issuance or in effect from time to time, and will be prepayable at any time without premium or penalty.

It is now proposed that the maximum amount of PE's short-term notes outstanding at any one time will not, when taken together with any commercial paper outstanding and any long-term unsecured debt outstanding, be in excess of $55,000,000, including any notes which may be outstanding pursuant to prior orders of the Commission. It is stated that PE maintains balances to meet regular operating requirements at these banks which vary in amount from time to time. If average balances were maintained solely to fulfill compensating balance requirements of major banks, approximately 20 percent, the effective interest cost to each of the companies issuing and selling the notes on the basis of a prime commercial credit or comparable rate of 12 percent would be 15 percent.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer or dealers in commercial paper, at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity. The dealer or dealers may reoffer the commercial paper at a discount rate of ⅛ of 1 percent per annum less than the discount rate to PE. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which PE is able to borrow the same amount from banks at that time. Such dealer or dealers will reoffer the commercial paper notes to not more than 200 of its or their customers identified and designated in a list for each company (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the customers to maturity, but if the customers wish to resell prior to maturity, the dealer or dealers, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others on said list.

PE requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. PE also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 29, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 50 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit, or in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

[FR Doc.74-18679 Filed 8-13-74;8:45 am]

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[70-5528]

## PENNSYLVANIA POWER CO.

### Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

AUGUST 7, 1974.

Notice is hereby given that Pennsylvania Power Company ("Pennsylvania"), 1 East Washington Street, New Castle, Pennsylvania 16103, an electric utility subsidiary company of Ohio Edison Company ("Ohio Edison"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Pennsylvania proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $10,000,000 principal amount of First Mortgage Bonds, —— percent Series (the "new Bonds") to mature in not less than 5 years and not more than 30 years. Pennsylvania will sell the new Bonds at competitive bidding for a price to Pennsylvania of not less than 100 per cent (unless Pennsylvania shall authorize a lower percentage, not less than 99 percent), or more than 102¾ percent of the principal amount thereof and accrued interest. The new Bonds are proposed to be issued under Pennsylvania's Indenture dated as of November 1, 1945, to The First National Bank of the City of New York (now First National City Bank), as Trustee, as heretofore amended and supplemented and as proposed to be amended and supplemented by a Supplemental Indenture to be dated as of the first day of the calendar month in which the new Bonds are issued.

Pennsylvania intends to apply the proceeds from the sale of the new Bonds for the construction and acquisition of new facilities and the betterment of existing facilities, to repay short-term loans (estimated to aggregate $6,000,000 at the time of the sale of the new Bonds) incurred for such purposes, and to reimburse Pennsylvania's treasury in part for monies expended for such purposes.

The fees and expenses to be paid by Pennsylvania in connection with the issuance and sale of the new Bonds, including legal fees, will be supplied by amendment.

The Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sell by Pennsylvania of the new Bonds. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 28, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules

and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-18676 Filed 8-13-74;8:45 am]

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[File No. 500-1]

## ARTHRITIS CLINICS INTERNATIONAL, INC.

### Suspension of Trading

AUGUST 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Arthritis Clinics International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c)(5) of the Securites Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:45 a.m. (E.d.t.) on August 6, 1974 through midnight (E.d.t.) on August 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-18673 Filed 8-13-74;8:45 am]

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[File No. 81-151]

## MULTI BENEFIT REALTY FUND III

### Notice of and Order for Hearing on Application for Exemption

AUGUST 6, 1974.

Notice is hereby given that Multi Benefit Realty Fund III ("the Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act") for an order exempting the Applicant from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the effect of exempting the Applicant from sections 13 and 14 of the Act and any officer, director or ten percent beneficial owner from section 16 thereof.

Section 12(g) of the Act requires the registration of the securities of every issuer which is engaged in interstate commerce or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, proxy solicitation and other requirements of the Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states in part:

1. The Applicant is a limited partnership organized under the laws of the State of California. As of March 31, 1974, the Applicant had approximately 3,435 limited partners and owned assets with an approximate value of $81 million.

2. The Applicant owns, operates, leases and manages improved and income producing real property.

3. The offer and sale of limited partnership interests in the Applicant were qualified by permit issued by the Commissioner of Corporations of the State of California and were made pursuant to an offering circular approved by the California Commissioner.

4. No public market exists for the limited partnership interests in the Applicant, and none will develop. Transfer of a limited partnership interest usually requires consent of the California Commissioner after a finding that the transfer is fair, just and equitable to the proposed transferee.

*It is ordered,* Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, That a hearing on the application of Multi Benefit Realty Fund III for an exemption from the provisions of sections 12(g), 13, 14 and 16 of that Act be held on September 16, 1974 at 10 a.m., at the offices of the Securities and Exchange Commission, 1100 L Street, Room 2416, Washington, D.C. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration in this proceeding:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in the Applicant's securities justify the requested exemption;

2. Whether the nature and extent of the activities of the Applicant are such to justify the requested exemption;

3. Whether information which is or may be available to investors concerning the Applicant is adequate to justify the requested exemption;

4. Whether state regulation, provisions of partnership agreements and representations by the Applicant provide adequate investor protection to justify the requested exemption; and

5. Generally, whether the requested exemption is consistent with the public interest and with the protection of investors.

*It is further ordered,* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by certified mail to Multi Benefit Realty Fund III and its attorney and that notice to all other persons be given by publication of this Notice and Order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this Notice and Order be distributed to the press and mailed to those persons whose names appear on the mailing list for releases.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-18674 Filed 8-13-74;8:45 am]

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## SEC REPORT COORDINATING GROUP (ADVISORY)

### Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on September 4, 1974 at the Securities and Exchange Commission, 500 North Capitol Street, Room 332, Washington, D.C. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing a uniform financial and operational report.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms, and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing a uniform financial and operational report (Securities Exchange Act Release No. 10612).

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pillero II, Secretary, SEC Report Coordinating Group, Securities and Ex-

change Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

AUGUST 8, 1974.

[FR Doc.74-18672 Filed 8-13-74;8:45 am]

[34-10950]

## PBW STOCK EXCHANGE, INC.

### Option Plan

The Commission announced today that the PBW Stock Exchange, Inc. (PBW) has filed its "Option Trading Plan" pursuant to Rule 9b-1 [17 CFR 240.9b-1] under the Securities Exchange Act of 1934 which contains: [1]

(i) A description of the Exchange's pilot program for options trading on the Exchange;

(ii) Pertinent proposed amendments to the by-laws and rules of the Exchange; and

(iii) Pertinent proposed amendments to the by-laws and rules of the Exchange's subsidiary, the Stock Clearing Corporation of Philadelphia (SCCP).

PBW states that it intends to trade call options in much the same way as the American Stock Exchange, Inc. (Amex) has proposed [2] and in a manner similar to the present pilot operation of the Chicago Board Options Exchange, Inc. (CBOE).[3] PBW intends to conduct a pilot operation, trading initially in call options in ten securities listed on the New York Stock Exchange, Inc., and to expand, with the Commission's concurrence, the number of securities underlying its call options as its pilot progresses. Initially, the PBW does not plan to trade call options on the same securities as the CBOE or the Amex.

PBW has stated that it intends to apply trading and clearing principles substantially similar to those of the other two exchanges. As in the case of the CBOE and Amex, PBW options, would be made fungible by limiting contract variables. Thus, PBW options will have exercise prices fixed at $5 intervals for stocks trading below $50 a share, $10 intervals for stocks priced at $50 to $100 and $20 intervals for stocks priced above $100. If a significant price movement occurs in the security underlying the options, PBW plans to open a new series in that class of options with a different exercise price to reflect the market change, but with the same expiration date. However, as in the case of the CBOE and Amex, the market (premium) value of any option traded on the PBW would be determined by the secondary market in the option. The remaining variable, the option expiration dates, would be standardized but PBW has not yet specified them. CBOE options expire in January, April, July and October and Amex has proposed to have those same expiration months for its options.

PBW's plan contains a number of features which are different from those of the other exchanges. First, while PBW's plan is similar in that its options transaction clearing will be done by its stock clearing corporation (which will be the issuer of, and primary obligor on, these options), SCCP will also continue to clear option trades in the stocks and other securities traded on the Exchange.[4] In this regard, the CBOE does not use, and the Amex does not plan to use, a clearing entity for options which also clears transactions in other securities.

Second, PBW plans to use its specialist and alternate market-maker system for the trading of options as well as other securities admitted to trading on that exchange. In its pilot program, CBOE segregates the specialist broker and dealer functions and has a competing market maker system. Amex proposes to utilize its present unitary specialist system.

Third, the PBW proposed commission rate schedule for options, which would be essentially the same as that for stock transactions (including provision for 40 percent access for non-member brokers) and is similar to that of the Amex, differs from that of the CBOE in certain material respects. For example, as in the case of Amex, PBW in September 1973 increased certain of its fixed commission rates applicable to stocks and on April 1, 1974, in accordance with a Commission request, unfixed rates on orders up to $2,000; but CBOE has maintained its former rates and did not adopt the $2,000 breakpoint. With respect to options, PBW proposes to have a $25 minimum commission on all orders in excess of $100 and otherwise to have competitively determined commissions on all orders up to $2,000 and on the portion of orders above $300,000. The Amex and CBOE plans differ in that their fixed commissions do not apply to the portion of orders above $30,000 on the purchase and sale of options. On the other hand, CBOE also has the $30,000 breakpoint when options are exercised, whereas Amex and PBW would have the $300,000 breakpoint for option exercises.

Fourth, PBW intends to trade options on the same floor as it trades the stocks underlying those options where the stock also has PBW trading privileges, but in such instances different specialists and market makers will be assigned for the option and underlying security. CBOE does not trade stocks and Amex does not now propose to have Amex-traded stocks as underlying securities for its options.

All interested persons are invited to submit written comments on the PBW's proposed option trading plan, and those comments should be addressed to Mr. George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should be received by September 9, 1974, and should make reference to File No. S7-531. Copies of PBW plan may be obtained from the Exchange by writing Mr. George Hender, Vice President, PBW Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103. All documents and materials referred to herein are, and all comments received pursuant to this release will be, available for public inspection at the Commission's Public Reference Room in Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

AUGUST 7, 1974.

[FR Doc.74-18675 Filed 8-13-74;8:45 am]

[1] Rule 9b-1, effective January 17, 1974 (Securities Exchange Act Release No. 10552 of December 13, 1973 and noticed on December 17, 1973 at 38 FR 34665) provides, among other things, that it is unlawful for an exchange or exchange member to effect any transactions in options, or to permit option transactions to be effected by use of the exchange's facilities except in accordance with an exchange plan for regulating option trading declared effective by the Commission after consideration of the plan in light of statutory standards.

[2] See Securities Exchange Act Release No. 10602, January 15, 1974, File No. S7-505 and noticed on January 24, 1974 at 39 FR 2774.

[3] See Securities Exchange Act Release No. 9985, February 1, 1973.

[4] SCCP is preparing for filing a registration statement pursuant to the Securities Act of 1933, covering the options, and would also register such options pursuant to Section 12(b) of the Securities Exchange Act.

# WATER RESOURCES COUNCIL

## STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

### Change in Discount Rate Formula and Currently Applicable Rate

1. Notice is hereby given that the interest rate formula established by the U.S. Water Resources Council, September 10, 1973, in Chapter IV, D., "Standards for Planning Water and Related Land Resources" was amended by section 80 of the Water Resources Development Act of 1974, Public Law 93-251, March 7, 1974. The full text of section 80 is as follows:

Section 80. (a) The interest rate formula to be used in plan formulation and evaluation for discounting future benefits and computing costs by Federal officers, employees, departments, agencies, and instrumentalities in the preparation of comprehensive regional or river basin plans and the formulation and evaluation of Federal water and related land resources projects shall be the formula set forth in the "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources" approved by the President on May 15, 1962, and published as Senate Document 97 of the Eighty-seventh Congress on May 29, 1962, as amended by the regulation issued by the Water Resources Council and published in the FEDERAL REGISTER on December 24, 1968 (33 FR 19170; 18 CFR 704.39), until otherwise provided by a statute enacted after the date of enactment of this Act. Every provision of law and every administrative action in conflict with this section is hereby repealed to the extent of such conflict.

(b) In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used

in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed, unless otherwise provided by a statute enacted after the date of enactment of this Act.

(c) The President shall make a full and complete investigation and study of principles and standards for planning and evaluating water and related resources projects. Such investigation and study shall include, but not be limited to, consideration of enhancing regional economic development, the quality of the total environment including its protection and improvement, the well-being of the people of the United States, and the national economic development, as objectives to be included in federally-financed water and related resources projects and in the evaluation of costs and benefits attributable to such projects, as intended in section 209 of the Flood Control Act of 1970 (84 Stat. 1818, 1829), the interest rate formula to be used in evaluating and discounting future benefits for such projects, and appropriate Federal and non-Federal cost sharing for such projects. He shall report the results of such investigation and study, together with his recommendations, to Congress not later than one year after funds are first appropriated to carry out this subsection.

2. The "Principles and Standards for Planning Water and Related Land Resources," established by the U.S. Water Resources Council pursuant to section 103 of the Water Resources Planning Act (Pub. L. 89-80), were published in the FEDERAL REGISTER on September 10, 1973, (38 FR 24778) and became effective October 25, 1973.

3. Pursuant to the provisions of Section 80 of Pub. L. 93-251 and the authority delegated in Section 2 of Executive Order 11747, November 7, 1973, Chapter IV, D., "The Discount Rate" in the "Standards" is hereby amended to read as follows:

The discount rate will be established in accordance with the concept that the Government's investment decisions are related to the cost of Federal borrowing.

(a) The interest rate to be used in plan formulation and evaluation for discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis, shall be based upon the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity: *Provided, however,* That in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year. The average yield shall be computed as the average during the fiscal year of the daily bid prices. Where the average rate so computed is not a multiple of one-eighth of 1 percent, the rate of interest shall be the multiple of one-eighth of 1 percent nearest to such average rate.

(b) The computation shall be made as of July 1 of each year, and the rate thus computed shall be used during the succeeding 12 months. The Director shall annually request the Secretary of the Treasury to inform the Water Resources Council of the rate thus computed.

(c) Subject to the provisions of paragraphs (d) and (e) of this section, the provisions of paragraphs (a) and (b) of this section shall apply to all Federal and federally assisted water and related land resources project evaluation reports submitted to the Congress, or approved administratively, after the close of the second session of the 90th Congress.

(d) In the case of any project authorized before January 3, 1969, if the appropriate non-Federal interests have, prior to December 31, 1969, given satisfactory assurances to pay the required non-Federal share of project costs, the discount rate to be used in the computation of benefits and costs for such project shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed, unless otherwise provided by a statute enacted after the date of enactment of the Water Resources Development Act of 1974, Public Law 93-251, March 7, 1974.

(e) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the discount rate to be used in plan formulation and evaluation for the fiscal year 1969 shall be 4⅝ percent except as provided by paragraph (d) of this section.

4. The Treasury Department on July 13, 1973, informed the Water Resources Council pursuant to 3. (b) above, that the interest rate would be 5⅝ percent based upon the formula set forth in 3. (a):

• • • the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity • • •.

This rate was used for plan formulation and evaluation during the periods July 1, 1973–October 24, 1973, and March 7, 1974–June 30, 1974, of the Fiscal Year 1974 consistent with a further provision of 3. (a) which provides:

• • • [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year.

Since the rate in Fiscal Year 1973 was 5½ percent (37 FR 14445), the rate for Fiscal Year 1974 was 5⅝ percent.

5. The Treasury Department on July 17, 1974, informed the Water Resources Council pursuant to 3. (b) above, that the interest rate would be 6½ percent based upon the formula set forth in 3. (a):

• • • the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity • • •.

This higher rate, however, cannot be used for plan formulation and evaluation for Fiscal Year 1975 because a further provision of 3. (a) provides:

• • • [t]hat in no event shall the rate be raised or lowered more than one-quarter of 1 percent for any year.

Since the rate in Fiscal Year 1974 was 5⅝ percent (38 FR 20119), the rate for Fiscal Year 1975 is 5⅞ percent.

Dated: August 7, 1974.

ROGERS C. B. MORTON,
*Chairman.*

[FR Doc.74-18624 Filed 8-13-74;8:45 am]

## DEPARTMENT OF LABOR

### Office of the Secretary

### COMPENSATION IN CALIFORNIA

### Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, establishes a program of extended unemployment compensation which provides for payment of extended unemployment compensation to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to § 203(b)(2) of the Act, notice is hereby given that Richard L. Camilli, Director, Employment Development Department of the California Health and Welfare Agency, has determined that there was a State "on" indicator in California for the week ending July 6, 1974, and that an extended benefit period will commence with the week beginning July 21, 1974.

Signed at Washington, D.C., this 9th day of August 1974.

WILLIAM H. KOLBERG,
*Assistant Secretary for Manpower.*

[FR Doc.74-18635 Filed 8-13-74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 570]

### ASSIGNMENT OF HEARINGS

AUGUST 9, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I & S No. 8303, Waterborne Shipments, North Atlantic Ports, now assigned August 26, 1974, at Washington, D.C., postponed to October 23, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136876, James D. Carroll, DBA Rapid Express, now assigned September 16, 1974 at Baton Rouge, La., is cancelled and the application is dismissed.

MC-F-12093, Crouch Bros., Inc.—Purchase (Portion)—Bestway Freight Lines, Inc., MC-F-12104, Illinois-California Express, Inc. — Purchase (Portion) — Bestway Freight Line, Inc., continued to October 15, 1974 (4 days), at the Holiday Inn-Downtown, 1015 Elm Street, Dallas, Texas.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-18670 Filed 8-13-74;8:45 am]

[Notice 138]

## MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

AUGUST 14, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 3, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75304. By order of July 30, 1974, the Motor Carrier Board approved the transfer to G & G Express, a corporation, 206 Park St., Moonachie, N.J. 07074, of the operating rights in Certificate No. MC-69765 issued May 20, 1955, to William C. Woods, Jr., doing business as G & G Express, 206 Park St., Moonachie, N.J., authorizing the transportation of wearing apparel and piece goods over regular routes, between Lodi, N.J., and St. Johnsville, N.Y., serving the intermediate points of Highland and Newburgh, N.Y., and over irregular routes between New York, N.Y., on the one hand, and, on the other, points in a described area of New Jersey.

No. MC-FC-75305. By order of July 30, 1974, the Motor Carrier Board approved the transfer to James S. LaGrange, doing business as Edmond Motor Freight, Oklahoma City, Okla., of Certificate of Registration No. MC-85997 (Sub-No. 1), issued October 8, 1964, to John W. Cartmill, doing business as Edmond Motor Freight, Edmond, Okla., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. MC-34443, issued by the Oklahoma Corporation Commission. Wilburn L. Williamson, 3535 NW. 58th St., Oklahoma City, Okla., 73112, Attorney for applicants.

No. MC-FC-75306. By order of July 31, 1974, the Motor Carrier Board approved the transfer to Motor Express, Inc., Pearland, Texas, of the operating rights in Certificate No. MC-118403 (Sub-No. 2), issued May 15, 1962, to James Holland, doing business as City Produce, Greenville, Texas, authorizing the transportation of bananas from Gulfport, Miss. to points in Oklahoma and Texas. Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Texas 76102. Attorney for transferee. Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Texas 75201, Attorney for transferor.

No. MC-FC-75308. By order entered 7-31-74, the Motor Carrier Board approved the transfer to Kirkpatrick Trucking Co., a corporation, Harvard, Ill., of the operating rights set forth in Certificates Nos. MC-106594 and MC-106594 (Sub-No. 3), issued December 14, 1966, and March 15, 1974, respectively, and Permits Nos. MC-126389 and MC-126389 (Sub-No. 1), issued December 14, 1966, and September 28, 1972, respectively, to Mary Kirkpatrick, doing business as Kirkpatrick Trucking, Harvard, Ill., authorizing the transportation of livestock, barn lime, petroleum products, in bulk, in tank vehicles, fresh meats and offal, mineral wool and mineral wool products, and materials and supplies used in the manufacture, installation, or distribution thereof, plastic articles, and materials and supplies used in the manufacture and distribution thereof, from, to, or between points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, and Wisconsin. Dual operations authorized. Robert H. Levy, 29 South LaSalle St., Chicago, Ill. 60603, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-18667 Filed 8-13-74;8:45 am]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 9, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54792 AMD, filed July 23, 1974. Applicant: THOMPSON TRANSPORT SYSTEMS, INC., 7200 Downing Avenue, Bakersfield, Calif. 93308. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Pipe & tubing (fittings and Accessories therefor); wire; iron and steel articles; carbon & briquettes; wine, vermouth, brandy and other alcoholic beverages made from grapes, originating at points in Kern County; metal cans; can tops, bottoms or ends; bags & containers; salt; petroleum and petroleum products as described in Item 723 of MRT No. 2; irrigation systems; agricultural implements, parts & attachments; power pumps, between all points in California on and within 50 miles of the following routes: *National Interstate Highways:* 5, 80, 40, 10, and 8; *U.S. Highways:* 101, 97, 395, 50, and 66; *California State Highways:* 99, and 14. Hearing: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55023 (Correction), filed July 11, 1974, published in the FEDERAL REGISTER, issue of July 31, 1974, and republished as corrected, this issue. Applicant: GIBRALTAR WAREHOUSES, 33300 Dowe Avenue, Union City, Calif. 94587. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* I. Between the following points, in intrastate commerce: A. San Francisco, on the one hand, and, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, Union City, El Cerrito, Milpitas, and Fremont, on the other hand; B. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, and El Cerrito, on the other hand; C. San Francisco, on the one hand, and points on U.S. Highway 101 between Daly City and San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand. Restrictions: Such authority does not include the right to render service to, from, or between intermediate points. Applicant shall not establish through routes, and joint rates, charges, and classifications as to the separate authorities hereinabove set forth in subparagraphs A, B, and C. II. Between the following points, in intrastate and interstate and foreign commerce: A. Union City, on the one hand, and San Francisco, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, El Cerrito, Milpitas, Fremont, and Los Gatos, on the other hand; B. Union City, on the one hand, and points on U.S. Highway 101 between Daly City and

San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand; and C. In performing the service herein authorized, Applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Restrictions: Transportation performed in interstate or foreign commerce shall be restricted to movements beginning at or ending at Applicant's warehouses in Union City, except that pursuant to the authority granted, carrier shall not transport any shipments of:

(1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including Jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, in tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (8) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE.—The purpose of this republication is to correct pages 4 and 5 which were reversed in error in the previous publication. Hearing: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55042, filed July 17, 1974. Applicant: SHIMA TRANSFER CO., 74 Mission Rock Street, San Francisco, Calif. 94107. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: (1) Between all points and places in the San Francisco Territory as described in Part II; (2) Between all points and places on or within 20 lateral miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with Interstate Highway 580 and its intersection with State Highway 120, inclusive; (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) Interstate Highway 5 between its junction with Interstate Highway 580 and its intersection with State Highway 198, inclusive; (g) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (h) State Highway 99 between Sacramento and Tulare, inclusive; (i) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection State Highway 120.

(j) State Highway 152 between its intersection with Interstate Highway 5 and its intersection State Highway 99; (k) State Highway 33 between its intersection with State Highway 152 at Dos Palos and its intersection with Interstate Highway 5; (l) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99; (m) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99; (n) State Highway 29 between Napa and its junction with Interstate Highway 80 near Vallejo; (o) U.S. Highway 101 between its intersection with Tully Road at San Jose and Salinas; (p) State Highway 17 between its intersection with Los Gatos-San Jose Road at Las Gatos and its intersection with State Highway 1 at Santa Cruz, inclusive; (q) State Highway 1 between its intersection with State Highway 17 at Santa Cruz and its intersection with State Highway 68 at Monterey, inclusive; (r) State Highway 156 West from its intersection with State Highway 1 at Castroville to its intersection with U.S. Highway 101, inclusive; (s) State Highway 68 between its intersection with State Highway 1 at Monterey and its intersection with U.S. Highway 101 at Salinas, inclusive; and (t) State Highway 152 between its intersection with U.S. Highway 101 at Gilroy and its intersection with State Highway 1 at Watsonville, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

'San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Las Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue.

Northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of The University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passsenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis,

trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis;

(3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in bulk in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual value. Hearing: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

Texas Docket No. 2709, filed June 20, 1974. Applicant: BLUEBONNET EXPRESS, INC., P.O. Box 18205, Houston, Tex. 77023. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities,* over the following regular routes: (1) Farm Road 149 and Farm Road 1744 between Magnolia and junction of Farm Road 149 and Interstate Highway 45; (2) Farm Road 1488 between Magnolia and junction of Farm Road 1488 and Interstate Highway 45; (3) State Road 150 between Coldspring and junction of State Road 150 and U.S. Highway 59; (4) State Highway 156 between Coldspring and junction of State Highway 156 and U.S. Highway 190; (5) U.S. Highway 190 between Livingston and Huntsville; (6) Farm Road 222 between Shepherd and junction of Farm Road 222 and State Highway 150; (7) Farm Road 1988 between Goodrich and junction of Farm Road 1988 and U.S. Highway 59; (8) Farm Road 3126 between Farm Road 1988 and Farm Road 2457; (9) Farm Road 2457 between its junction with U.S. Highway 190 and termination point at Lake Livingston; (10) Farm Road 356 between U.S. Highway 190 and Onalaska; (11) Farm Road 3152 between Onalaska and junction of U.S. Hwy. 190; (12) Farm Road 1774 between Magnolia and junction of State Hwy. 105 and Farm Road 1774; (13) State Hwy. 105 between its intersection with Farm Road 1774 and I. H. 45; (14) State Hwy. 149 between Pinehurst and junction of State Hwy. 149 with Farm Road 1375; (15) Farm Road 1375 from its junction with State Hwy. 149 to I. H. 45; (16) Farm Road 1097 from its junction with State Hwy. 149 to Willis; (17) State Hwy. 150 between its junction with I. H. 45 and Coldspring.

(18) State Hwy. 980 and State Hwy. 356 and unnumbered county roads around Lake Conroe between junction of State Hwy. 980 and State Hwy. 356 with U.S. 190; (19) Farm Road 524 and Farm Road 521 between Old Ocean and junction of Farm Road 5214 and State Hwy. 36; (20) State Hwy. 332 between Brazoria and Brazosport; (21) State Hwy. 36 between Rosenberg and West Columbia; (22) State Hwy. 60 between Wharton and Bay City; (23) Farm Road 442 between Lane City and junction of Farm Road 442 and State Hwy. 36; (24) Farm Roads between junction of State Hwy. 35 and plantsite of Monsanto Chemical; (25) Farm Road 2668 between its junction with State Hwy. 60 and plantsite of Celanese Chemical, coordinating service over all proposed routes, except that applicant shall be *restricted from transporting general commodities as described above to or from Huntsville and restricted from serving any point on* Hwy. 19 between Huntsville and Liberty; *Serving all intermediate points along the above routes;* and (26) General commodities between Houston and Huntsville, over I.H. 45, serving no intermediate points, as an alternate route only for the sole purpose of connecting applicant's presently certified routes with the requested routes above. Provided that no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day; Coordinating the service here proposed with all service presently rendered by applicant under its existing certificates and by interchange with other carriers so that points on the above routes will receive service to and from any and all major shipping and receiving points in Texas and other states. Intrastate, interstate and foreign commerce authority sought. Hearing: Application will be set for hearing September 13, 1974, at the E. O. Thompson State Office Building, Austin, Tex. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.74-18671 Filed 8-13-74;8:45 am]

## IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

### Elimination of Gateway Letter Notices

AUGUST 9, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before August 26, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-63417 (Sub-No. E10), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pycatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in New York, Pennsylvania, and that part of West Virginia on, east, and north of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 19 to junction West Virginia Highway 39, and thence along West Virginia Highway 39 to the Virginia-West Virginia State line, to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC-63417 (Sub-No. E13), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pycatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from Mullins, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Sumter, S.C., and Macon, Ga.

No. MC-63417 (Sub-No. E14), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pycatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia to points in Florida. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Sumter, S.C.

No. MC-63417 (Sub-No. E18), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pycatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New furniture,* from points in New York,

Pennsylvania, and in that part of West Virginia on, east, and north of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 19 to junction West Virginia Highway 39 to the West Virginia-Virginia State line, to points in Louisiana, Mississippi, and Texas. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Macon, Ga.

No. MC-63417 (Sub-No. E21), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from West End, N.C., to points in Texas. The purpose of this filing is to eliminate the gateway of Stanleytown, Va., points in Virginia, and Macon, Ga.

No. MC-63417 (Sub-No. E27), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *New furniture*, from Mount Airy, N.C., to points in Illinois (except Chicago), Kentucky, Michigan, and Tennessee. The purpose of this filing is to eliminate the gateway of Galax, Va.

No. MC 63417 (Sub-No. E28), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mt. Airy, N.C., and Marion, Va., to points in New York (except New York City). The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-100666 (Sub-No. E59), field June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Atlanta, Ga., to points in that part of Virginia east of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-63417 (Sub-No. 30), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001 Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *New furniture*, from Atlanta, Ga., to points in those parts of Illinois and Indiana on and north of U.S. Highway 30, points in Kentucky on and east of a line beginning at the Ohio-Kentucky border, thence along Kentucky Highway 11 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Virginia State line, points in Ohio (except points in Butler, Clermont, Hamilton, and Warren Counties), points in Michigan and West Virginia. The purpose of this filing is to eliminate the gateway of Damascus, Va.

No. MC-63417 (Sub-No. 31), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC. 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from Atlanta, Ga., to points in Virginia in Henry County and in that part of Pittsylvania County on and south of Virginia Highway 57. The purpose of this filing is to eliminate the gateway of Mt. Airy, North Carolina.

No. MC-63417 (Sub-No. 32), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mt. Airy, N.C., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC-88368 (Sub-No. E11) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 8, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Illinois to points in Alabama (points in Missouri and Mississippi) *, points in Colorado (points in Missouri, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof) *, points in Florida (points in Missouri and Mississippi, Florence, Sheffield, and Tuscumbia, Ala., points in Indiana and Illinois within 100 miles of Danville, Ill., including Danville, Ill., points in Harlan County, Ky., points in Georgia within a territory bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along Georgia Highway 3 through Baconton, Carmilla, Pelham, Ga., to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line, and thence along the Georgia-Florida State line, to junction U.S. Highway 1, the points of beginning) *, points in Georgia (points in Missouri and Mississippi, Florence, Sheffield, and Tuscumbia, Ala., points in Harlan County, Ky., and points in Indiana) *, points in Idaho (Harlan, Iowa, and points within 15 miles thereof, points in Kimball, Banner, and Cheyenne Counties, Nebr., and points in Wyoming and Montana) *, points in Illinois (Harlan, Iowa, points in Nebraska, Wyoming, Colorado, and Montana, Newton, Kans., and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *, points in Louisiana (points in Missouri and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.) *, points in Mississippi (points in Missouri) *, points in Montana (Harlan, Iowa, points in Nebraska, Wloming, Colorado, and Montana, Newton, Kans., and Newton, Kans., and points within 15 miles thereof) *, points in Nebraska on and west of U.S. Highway 83 (Harlan, Iowa, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof) *, points in New Mexico (points in Missouri, points in Canadian County, Okla., and Bloomington, Ill., and points within 25 miles thereof) *, points in Oklahoma (points in Missouri, Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.) *, points in Oregon (Harlan, Iowa, and points within 15 miles thereof, points in Nebraska, Colorado, and Wyoming, Newton, Kans., and points within 15 miles thereof, and points in Washington east of the Cascade Mountains) *, points in Washington (Harlan, Iowa, and points within 15 miles thereof, points in Nebraska, Wyoming, and Colorado, and Newton, Kans., and points within 15 miles thereof) *, and points in Wyoming (Harlan, Iowa, and points within 15 miles thereof, points in Nebraska, Newton, Kans., and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *,

(2) From points in Illinois within 100 miles of Danville, Ill., including Danville, to points in Arkansas (points in Missouri and Bloomington, Ill., and points within 25 miles thereof) *, points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties, Calif. (Bloomington, Ill., and points within 25 miles thereof, Harlan, Iowa, and points within 15 miles thereof, points in Nebraska and Wyoming, and points in Washington east of the Cascade Mountains) *, points in Connecticut (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Delaware (points in Jefferson County,

Ohio, Philadelphia, Pa., and points in Illinois) *, points in Iowa (Bloomington, Ill., and points within 25 miles thereof) *, points in Maine (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Massachusetts (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Nebraska (points in Missouri, Harlan, Iowa, and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *, points in New Hampshire (points in Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *, points in New Jersey (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.)) *, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in North Carolina (points in Harlan County, Ky., and Bloomington, Ill., and points within 25 miles thereof) *, points in Pennsylvania (points in Harlan County, Ky., Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio) *, points in Rhode Island (points in Jefferson County, Ohio, Philadelphia, Pa., Boston, Mass., and points within 25 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *, and points in South Dakota (Harlan, Iowa, and points within 5 miles thereof and Bloomington, Ill., and points within 25 miles thereof) *, and

(3) From Bloomington, Ill., and points within 25 miles thereof to points in Tennessee (points in Missouri) *, points in Virginia (points in Harlan County, Ky.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include Georgia, Idaho, and Delaware as destination states.

No. MC–88368 (Sub-No. E14) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 9, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Kansas to points in Alabama (points in Mississippi and Florence, Sheffield, and Tuscumbia, Ala.) *, points in California in and north of Humboldt, Trinity, Shasta, and Lasson Counties, Calif. (points in Colorado and points in Washington east of the Cascade Mountains) *, points in Connecticut (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Delaware (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Florida (points in Mississippi and Florence, Sheffield, and Tuscumbia, Ala.) *, points in Georgia (points in Mississippi and Florence, Sheffield, and Tuscumbia, Ala., and Birmingham, Ala., and points within 100 miles thereof) *, points in Maine (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Massachusetts (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Michigan (Bloomington, Ill., and points within 25 miles thereof) *, points in Minnesota (Harlan, Iowa, and points within 15 miles thereof) *, points in Montana (Newton, Kans., and points within 15 miles thereof, points in Kimball, Banner and Cheyenne Counties, Nebr., and points in Colorado and Wyoming) *, points in New Hampshire (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in New Jersey (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in North Carolina (points in Mississippi and Florence, Sheffield, and Tuscumbia, Ala.) *, points in Ohio (Bloomington, Ill., and points within 25 miles thereof) *, points in Oregon (points in Colorado and points in Washington east of the Cascade Mountains) *, points in Pennsylvania (Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio) *, points in Rhode Island (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Berkeley, Dorchester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties, S.C. (points in Tennessee, Florence, Sheffield, and Tuscumbia Counties, Ala., and Valdosta, Ga.) *, points in Vermont (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Virginia (points in Mississippi, Florence, Sheffield, and Tuscumbia, Ala., and points in Washington (points in Colorado) *, points in Wisconsin (Bloomington, Ill., and points within 25 miles thereof) *, points in Wyoming (Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.) *, and points in the District of Columbia (Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to add Wisconsin as a destination state.

No. MC–88368 (Sub-No. E15) (CORRECTION), filed May 15, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from points in Kentucky to Harlan, Iowa, and points in Iowa within 15 miles thereof (Bloomington, Ill., and points within 25 miles thereof) *, points in Montana (Bloomington, Ill., Newton, Kans., and points within 15 miles thereof, points in Kimball, Banner and Cheyenne Counties, Nebr., and points in Wyoming) *, points in Oregon (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains) *, and points in Washington (Bloomington, Ill., points in Indiana and Wyoming, Harlan, Iowa, and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.) *; from points in Harlan County, Ky., to points in Arkansas (Florence, Sheffield, and Tuscumbia, Ala.) *, points in Connecticut (points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Florida (points in Georgia bounded by a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 1 to Waycross, Ga., thence along U.S. Highway 82 to Albany, Ga., thence along U.S. Highway 3 through Bainconton, Camilla, and Pelham, to Thomasville, Ga., thence along U.S. Highway 19 to the Georgia-Florida State line and thence along the Georgia-Florida State line to junction U.S. Highway 1, the points of beginning) *, points in Illinois within 100 miles of Danville, Ill., including Danville (Bloomington, Ill., and points within 25 miles thereof) *, points in Iowa (Bloomington, Ill., and points within 25 miles thereof) *, points in Louisiana (Birmingham, Ala., and points within 100 miles of Birmingham except Montgomery, Ala.) *, points in Maine (points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Massachusetts (points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Mississippi (Birmingham, Ala., and points in Alabama within 100 miles of Birmingham except Montgomery, Ala.) *, points in New Hampshire (points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in New Jersey (points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Pennsylvania (points in Jefferson County, Ohio) *, points in Rhode Island (points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in South Dakota (Bloomington, Ill., and points within 25 miles thereof and Harlan, Iowa, and points within 15 miles thereof) *, points in Vermont (points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, and points in Wisconsin (points in Indiana within 100 miles of Danville, Ill., and Bloomington, Ill., and points within 25 miles thereof) *. The

purpose of this filing is to eliminate the gateways indicated with asterisks above. The purpose of this correction is to add New Hampshire as a destination State.

No. MC-95540 (Sub-No. E373), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I in the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles), from Denver, Colo., to Gulfport, Miss. The purpose of this filing is to eliminate the gateway of Omaha, Nebr., and Humboldt, Tenn.

No. MC-95540 (Sub-No. E377), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, PennYan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with Interstate Highway 82, thence along Interstate Highway 85 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of points in Delaware (except those south of the Chesapeake and Delaware Canal).

No. MC-95540 (Sub-No. E404), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to its junction with New Mexico Highway 104 to Las Vegas, thence along Interstate Highway 25 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 126, thence along New Mexico Highway 126 to its junction with New Mexico Highway 44, thence along New Mexico Highway 44 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof).

No. MC-95540 (Sub-No. E412), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen meat products*, from points in Texas, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. E413), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30342. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from points in Texas, points in New York on and east of a line beginning at the Pennsylvania-New York State line, and extending along U.S. Highway 11 to Binghamton, thence along New York Highway 7 to Schenectady, thence along New York Highway 5 to its junction with New York Highway 50, thence along New York Highway 50 to its junction with U.S. Highway 9, thence along U.S. Highway 9 to its junction with US. Highway 4, thence along U.S. Highway 4 to the Vermont-New York State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. E414), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Texas to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along Pennsylvania Highway 29 to its junction with Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to its junction with Interstate Highway 81, thence along Interstate Highway 81 to its junctions with Pennsylvania Highway 924, thence along Pennsylvania Highway 924 to its junction with Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to Ashland, thence along Pennsylvania Highway 54 to Gratz, thence along Pennsylvania Highway 25 to Millersburg, thence along Pennsylvania Highway 147 to its junction with U.S. Highway 22/322, thence along U.S. Highway 22/322 to Harrisburg, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. 415), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen meat products*, from points in Texas, to points in Maryland. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. 416), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration (except in bulk and except meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), from points in Texas, to points in Maryland. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. 417), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in North Carolina, on and west of a line beginning at the North Carolina-Tennessee State line and extending along North Carolina Highway 208, to its junction with U.S. Highway 25-70, thence along U.S. Highway 25-70 to Asheville, thence along U.S. Highway 19-23 to its junction with North Carolina Highway 107, thence along North Carolina Highway 107 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC-95540 (Sub-No. 463), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to points in California. The purpose of this filing is

to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the Commercial Zone thereof).

No. MC–9554 (Sub-No. E651), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd., NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–96561 (Sub-No. E1), filed June 4, 1974. Applicant: WALTON'S MOVING & EXPRESS CO., INC., 131 Liberty Street, Bloomfield, N.J. 07003. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., on the one hand, and, on the other, Reading, Temple, Philadelphia, and Eddystone, Pa. The purpose of this filing is to eliminate the gateway of points in Essex County, N.J.

No. MC–100666 (Sub-No. E59), filed April 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Memphis, Tenn., to points in Colorado, New Mexico, South Carolina, and Wyoming. The purpose of this filing is to eliminate the gateways of Louisville, Miss., Miami, Okla., and points in Henry County, Tenn.

No. MC–100666 (Sub-No. E62), filed April 28, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the Flakeboard plant site of the Crossett Lumber Company, at Crossett, Ark., to points in Colorado, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Miami and Craig, Okla., Urania, La., and points in Stone County, Miss., and Henry County, Tenn.

No. MC–100666 (Sub-No. E70), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, creosoted posts, creosoted poles, and creosoted pilings* between points in Missouri on and west of U.S. Highway 63 on the one hand, and, on the other, points in Tennessee on and south of a line from the Virginia-Tennessee State line along U.S. Highway 11–E to the junction of Knox County, thence in and south of Knox, Rome, Rhea, Bledsoe, Van Buren, Warren, Coffee, Bedrod, Marshall, Maury, Hickman, Perry, Decateur, Carroll, Gibson, and Dyer Counties. The purpose of this filing is to eliminate the gateway of points within 250 miles of Texarkana, Tex., including Texarkana, but not including points in Mississippi.

No. MC–100666 (Sub-No. E79), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing* from points in Kansas to points in Tennessee. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC–100666 (Sub-No. E80), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Marrero, La., to (1) points in California in and north of Inyo, Kern, and Ventura Counties and points in Idaho, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington (Pineland, Tex., and Pittsburg, Kans.)*; (2) points in New Mexico (the plantsite and warehouse facilities of National Gypsum Company at or near Rotan, Tex.)*; (3) points in Colorado (Acme, Tex.)*; and (4) points in Kansas and Oklahoma (Pineland, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–100666 (Sub-No. E81), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, fiberboard, particleboard, roofing, insulating, sheathing, gypsum plaster products, joint system compounds* (except in bulk) and *building paper* and *tape* from Irving, Tex., to points in Illinois and Indiana (West Memphis, Ark.)*; (2) *Wallboard, fiberboard, plywood, particleboard, roofing, insulating, sheathing, gypsum products, joint system compounds* (except in bulk), *building paper* and *tape* from Irving, Tex., to points in Ohio (Shreveport, La.)*; (3) *Composition roofing* from Irving, Tex., to points in Georgia, Virginia, and West Virginia (Terry, Miss.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–100666 (Sub-No. E82), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing*, from points in Kansas to points in Georgia. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC–100666 (Sub-No. E83), filed May 10, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows*, complete with glass panes, from Wright City, Okla., to points in California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC–100666 (Sub-No. E84), filed May 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows*, complete with glass panes, from Mountain Pine, Ark., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC–100666 (Sub-No. E85), filed May 15, 1974. Applicant MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum windows and doors*, complete with glass panes, from Broken Bow, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC–100666 (Sub-No E86), filed May 10, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a

*common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows*, complete with glass panes, from Dierks, Ark., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of points within 250 miles of Texarkana, Tex., and Tap City, Ark.

No. MC–100666 (Sub-No. E101), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing*, from points in Arkansas to points in Alabama. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC–100666 (Sub-No. E102), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Diboll, Tex., to points in California in and north of Inyo, Tulare, Kings, and Monterey Counties, and points in Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–100666 (Sub-No. E103), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* (except oilfield commodities as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from East Camden, Ark., to points in Florida and North Carolina. The purpose of this filing is to eliminate the gateway of Slocomb, Ala.

No. MC–100666 (Sub-No. E104), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wallboard, fiberboard, particleboard, composition roofing board, composition insulating board, composition sheathing board, and gypsum plaster board, from West Memphis, Ark., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC–100666 (Sub-No. E130), filed May 31, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and ply board* (a) from points in Texas on, south, and east of a line from El Paso along Interstate Highway 10 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the junction of U.S. Highway 277, thence along U.S. Highway 277 to the Oklahoma-Texas State line, to points in Minnesota (Irving, Tex., and Pittsburg, Kans.)*; (b) from points in Texas on and east of a line from Galveston along Interstate Highway 45 to the junction of Interstate Highway 35, thence along Interstate Highway 35 to the Oklahoma-Texas State line, to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, and Washington (Irving, Tex., and Pittsburg, Kans.)*; (c) from points in Texas west and north of a line from the Texas-Oklahoma State line along U.S. Highway 271 to the junction of Texas State Highway 19, thence along Texas Highway 19 to junction U.S. Highway 80, thence along U.S. Highway 80 to its junction with Texas Highway 199, thence along Texas Highway 199 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont (Irving, Tex., and Pittsburg, Kans.)*; (d) from El Paso, Tex., to points in Virginia (Irving, Tex., and Pittsburg, Kans.)*; (e) from points in Texas on and south of a line from the Texas-New Mexico State line along U.S. Highway 180 to the junction with U.S. Highway 277, thence along U.S. Highway 277 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the junction of U.S. Highway 75, thence along U.S. Highway 75 to Galveston, to points in Michigan, Ohio, Pennsylvania, West Virginia, and Wisconsin (Irving, Tex., and Pittsburg, Kans.)*: (2) *Lumber* (a) from points in Texas over 250 miles from Texarkana, Tex., and on and east of U.S. Highway 277 to points in Kansas and points in Oklahoma over 250 miles from Texarkana (except points in and west of Beaver County) (points in Texas within 250 miles of Texarkana)*; (b) from points in Texas over 250 miles from Texarkana, Tex., and south of a line from the Texas-New Mexico State line along U.S. Highway 82 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the Texas-Oklahoma State line to points in Missouri over 250 miles from Texarkana (points in Texas within 250 miles of Texarkana)*; (c) from points in Texas over 250 miles from Texarkana, Tex., to points in Louisiana over 250 miles from Texarkana (points in Texas within 250 miles of Texarkana)*: (3) *Composition board* (a) from points in Texas on and south of a line from the Arkansas-Louisiana State line along U.S. Highway 80 to the junction of Texas Highway 199, thence along Texas Highway 199 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the Texas-New Mexico State line to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia (Pineland, Tex., and the warehouses and plant site of the International Paper Company located in Stone County, Miss.)*; (b) from points in Texas on and south of a line from the Louisiana-Texas State line along Texas Highway 7 to the junction of Interstate Highway 45, thence along Interstate Highway 45 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to El Paso to points in New York, North Carolina, and South Carolina (Pineland, Tex., and the warehouses and plant site of the International Paper Company located in Stone County, Miss.)*: (4) *Composition board and plyboard* from points in Texas on and east of U.S. Highway 281 to points in Iowa and Nebraska (Irving, Tex.)*: (5) *Composition board and plywood* from points in Texas on and east of a line from Laredo, Tex., along U.S. Highway 82 to the junction of U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line to points in Colorado (Acme, Tex.)*: and (6) *Composition board and plywood* from points in Texas on and east of a line from Laredo, Tex., along U.S. Highway 82 to the junction of U.S. Highway 277, thence along U.S. Highway 277 to the Texas-Oklahoma State line to points in New Mexico (the plant site and warehouse facilities of National Gypsum Company at or near Rotan, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–106274 (Sub-No. E22), filed May 10, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in Alamance, Bladen, Cabarrus, Caswell, Chatham, Columbus, Cumberland, Davidson, Davie, Duplin, Durham, Edgecombe, Franklin, Granville, Greene, Guilford, Halifax, Harnett, Hoke, Johnston, Lee, Lenoir, Montgomery, Nash, Northhampton, Orange, Person, Pitt, Randolph, Robeson, Rockingham, Rowan, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C., points in those parts of Beaufort, Craven, Jones, Martin, and Onslow Counties, N.C., on and west of U.S. Highway 17, and points in that part of Pender County, N.C., on and west of U.S. Highway 117, to points in Ohio, and (2) from points in Forsyth County, N.C., to points in that part of Ohio on, north, and west of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 62 to junction Ohio Highway 16, thence along Ohio Highway 16 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Ohio-West Virginia State line. Restriction: The operations authorized herein are restricted to traffic originating at

points in the above-named origin territory. The purpose of this filing is to eliminate the gateway of points in Chatham County, N.C.

No. MC–107295 (Sub-No. E99), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant site or storage facilities of Evans Products Company at Phillips, Wis., (a) to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (Port Clinton, Ohio)*, and (b) to points in Mississippi (Truman, Ark.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107295 (Sub-No. E100), filed May 13, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operateas a *common carrier*, by motor vehicle, over irregular routes transporting: *Gypsum building materials*, from the plant site and storage facilities of Celotex Corporation at Lagro, Ind., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Ann Arbor, Mich.

No. MC–107295 (Sub-No. E140), filed May 12, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Gypsum building board*, from Grand Rapids, Mich., to points in Arkansas and Missouri (Bristol, Ind.)*; and (B) *Gypsum products*, from Grand Rapids, Mich., (a) to points in Colorado, Nebraska, New Mexico, North Dakota, and South Dakota (Fort Dodge, Iowa)*; and (b) to points in Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New York, North Carolina, Vermont, Virginia, Pennsylvania, Rhode Island, and South Carolina, and the District of Columbia (Port Clinton, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–107403 (Sub-No. E260), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, from Valley Forge Terminal, at Norristown, Pa., to points in Alabama, Florida, Georgia, North Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Delaware City, Del.

No. MC–109891 (Sub-No. E1), filed May 13, 1974. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Charleston Heights, S.C. 29405. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, petroleum refined oil, and petroleum distillate oil*, in tank vehicles, from Charleston, S.C., and points within ten miles thereof, to points in Georgia on and west of a line beginning at the Georgia-Alabama State line and extending along Interstate Highway 85 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Belton, S.C.

No. MC–110420 (Sub-No. E13), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blends of animal fats and vegetable oils*, in bulk, in tank vehicles, (1) from Waterloo, Iowa, to Charlotte, N.C., Lititz, Pa., and points in Kentucky (Chicago, Ill.)*; (2) from Cudahy, Wis., to Charlotte, N.C., and Lititz, Pa. (Chicago, Ill.)*; (3) from Boston, Mass., to points in Iowa, Minnesota, Missouri, and Nebraska (Chicago, Ill.)*; (4) from Boston, Mass., to points in Butler, Warren, Hamilton, and Clermont Counties, Ohio (Louisville, Ky.)*; (5) from Peabody, Mass., to points in Iowa, Minnesota, Missouri, Nebraska, Wisconsin, that part of Kentucky on and west of U.S. Highway 231, the Upper Peninsula of Michigan, and in Berrien, Cass, and Van Buren Counties, Mich.; (6) from Salem, Mass., to points in Iowa, Minnesota, Missouri, Nebraska, Wisconsin, that part of Indiana on and west of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Indiana-Kentucky State line, that part of Kentucky on and west of U.S. Highway 231, and points in Upper Peninsula of Michigan and in Berrien, Cass, and Van Buren Counties, Mich. (Chicago, Ill.)*; (7) from Newark, N.J., to points in Iowa, Minnesota, Missouri, Nebraska, Wisconsin, that part of Indiana in and west of St. Joseph, Marshall, Stark, Pulaski, White Tippecanoe, Fountain, and Vermillion Counties, that part of Kentucky in and west of Livingston, Lyon, and Tregg Counties, the Upper Peninsula of Michigan and that part of the Lower Peninsula in and west of Allegan, Kalamazoo, and St. Joseph Counties (Chicago, Ill.)*; (8) from Amsterdam, N.Y., to points in Iowa, Minnesota, and that part of Illinois on and north of Interstate Highway 80 (Cudahy, Wis.)*; (9) from Rochester, N.Y., to points in Iowa, Minnesota, and Jo Daviess, Stephenson, Winnebago, Ogle, Carroll, Whiteside, and Lee Counties, Ill. (Cudahy, Wis.)*; (10) from Conshohocken, Pa., to points in Nebraska, Wisconsin, Minnesota, Missouri, Iowa, Lake, Porter, La Porte, Starke, Pulaski, Jasper and Newton Counties, Ind., and points in the Upper Peninsula of Michigan and in Berrien, Cass, and Van Buren Counties, Mich. (Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. S528), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: James J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Nevada. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E529), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in that part of New Hampshire on and south of U.S. Highway 302, and on and east of U.S. Highway 3, restricted against the transportation of liquid latex from Akron, Ohio. The purpose of this filing is to eliminate the gateways of Buffalo, N.Y., and Stoneham, Mass.

No. MC–110525 (Sub-No. E531), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in The Maxwell Co., Extension-Addyston, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and west of U.S. Highway 23 to points in New Jersey. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC–110525 (Sub-No. E532), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on and east of U.S. Highway 23, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E533), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's

representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 60 to points in that part of New York on and east of Interstate Highway 81. The purpose of this filing is to eliminate the gateways of (1) Follansbee, W. Va., and (2) the plant-site of the Aniline and Solvay Divisions of the Allied Chemical Corporation, in Marshall County, W. Va. (approximately four miles south of Moundsville, W. Va.)

No. MC–110525 (Sub-No. E534), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in that part of North Carolina on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 52 to Lexington, thence along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E535), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on and east of U.S. Highway 23, to points in Oklahoma. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E536), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Oregon. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E537), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* and liquid coal tar products, in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 70 and east of U.S. Highway 23, to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to Ebensburg, thence along U.S. Highway 22 to Duncansville, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E538), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio on and north of Interstate Highway 70 and east of U.S. Highway 23, to points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 220 to Milesburg, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E539), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Rhode Island, restricted against the transportation of latex from Akron, Ohio. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–110525 (Sub-No. E540) filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Ohio to points in South Carolina. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC–110525 (Sub-No. E541), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, to points in that part of Utah on and west of U.S. Highway 89. The purpose of this filing is to eliminate the gateway of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E542), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from points in that part of Ohio on and north of U.S. Highway 422 to points in Vermont. The purpose of this filing is to eliminate the gateways of Josephtown, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E543), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in that part of Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E544), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in Washington. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E545), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downington, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 70 and on and west of U.S. Highway 23, to points in that part of West Virginia on and east of a line begining at the Ohio-West Virginia State line, thence along U.S. Highway 50 to Ellenboro, thence along U.S. Highway 16 to Gouley Bridge, thence along U.S. Highway 21 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E546), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and north of U.S. Highway 70 to points in that part of West Virginia on and south

of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 119 to Marmet, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E547), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and south of U.S. Highway 40 and on and west of U.S. Highway 23, to points in Delaware. The purpose of this filing is to eliminate the gateways of Follansbee and Natrium, W. Va.

No. MC–110525 (Sub-No. E548), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in Pennsylvania to points in Alabama. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E549), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania to points in Arizona. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E550), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in Pennsylvania to points in Arkansas. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E551), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, (a) from points in Allegheny, Beaver, Butler, Cambria, Dauphin, Fayette, McKean, Philadelphia, Venango, and Montgomery Counties, Pa., to points in California (Addyston, Ohio) *; and (b) from points in Pennsylvania (except points in those counties specified in (a) above) to points in California (Pittsburgh, Pa., and Addyston, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–110525 (Sub-No. E552), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania to points in Colorado. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E553), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Mawxell Co., Extension-Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Pennsylvania on and west of U.S. Highway 219 to points in Florida. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E554), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and east of U.S. Highway 219 to points in Florida. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Augusta, Ga.

No. MC–110525 (Sub-No. E555), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in Pennsylvania to points in Georgia. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–110525 (Sub-No. E556), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania to points in Idaho. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E564), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* as defined in *The Maxwell Co., Extension-Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in Pennsylvania to points in Minnesota, restricted against the transportation of phthalic anhydride from Bridgeville, Pa., to Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of Bridgeville, Pa.

No. MC–110525 (Sub-No. E565), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* as defined in *The Maxwell Co., Extension-Addyston,* 63 M.C.C. 677, in bulk, in tank vehicles, from points in Pennsylvania to points in Mississippi. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E566), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid* chemicals, in bulk, in tank vehicles, from points in Pennsylvania to points in Missouri. The purpose of this filing is to eliminate the gateway of points in South Fayette Township, Allegheny County, Pa.

No. MC–110525 (Sub-No. E567), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania to points in Montana. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E568), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals,* in bulk, in tank vehicles, from points in Pennsylvania to points in Nebraska. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E569), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in Nevada. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110525 (Sub-No. E569), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in Nevada. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Addyston, Ohio.

No. MC–110988 (Sub-No. E2), filed May 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wisc. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modified soybean oil*, in bulk, from Blooming Prairie, Minn. to points in New York, West Virginia, Louisiana, Mississippi, Alabama, points in that part of Tennessee on and west of U.S. Highway 27, and points in that part of Arkansas on and east of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of South Beloit, Ill., and the plant and warehouse site of the Philadelphia Quartz Co., at Utica, Ill.

No. MC–111401 (Sub-No. E7), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from points in that part of Colorado located on, south, and west of a line beginning at the Colorado-Utah State line, thence along U.S. Highway 50 to junction Colorado Highway 114, thence along Colorado Highway 114 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, points in that part of Illinois (except Chicago and Ringwood) on and south of a line beginning at the Illinois-Missouri state line, thence along Illinois Highway 140 to junction Interstate Highway 70, thence along Interstate Highway 70, to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Kingsmill, Tex.

No. MC–111545 (Sub-No. E343), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires, the use of special equipment, between points in that part of Michigan on, south, and east of a line beginning at Port Huron, thence along Michigan Highway 21 to St. Johns, thence along U.S. Highway 27 to Lansing, thence along U.S. Highway 127 to the Michigan-Ohio State line, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence U.S. Highway 61 to Readstown, thence along Wisconsin Highway 131 to Tomah, thence along U.S. Highway 12 to North Tomah, thence along Wisconsin Highway 21 to Necedah, thence along Wisconsin Highway 80 to Pittsville, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to Minong, thence along U.S. Highway 53 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–111545 (Sub-No. E345), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Massachusetts on and east of Massachusetts Highway 31 on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 3 to Fairdale, thence along West Virginia Highway 99 to junction West Virginia Highway 85, thence along West Virginia Highway 85 to Oceana, thence along West Virginia Highway 10 to Logan, thence along U.S. Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Mt. Airy, N.C.

No. MC–111545 (Sub-No. E349), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 209 to Kingston, thence along Interstate Highway 87 to Leeds, thence along New York Highway 23 to the New York-Massachusetts State line, on the one hand, and, on the other, points in that part of Kansas on, south, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to El Dorado, thence along U.S. Highway 77 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to Hill City, thence along U.S. Highway 283 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–113828 (Sub-No. E22), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are used in, or incidental to the preparation, packing, and shipment of processed foods, in bulk, from points in Massachusetts, to points in Delaware, Maryland, Washington, D.C., and those in Pennsylvania on, south, and west of a line beginning at the New Jersey-Pennsylvania State line, and extending along U.S. Highway 1 to Interstate Highway 276, thence along Interstate Highway 276 to its intersection with Pennsylvania Highway 422, thence along Pennsylvania Highway 422 to its intersection with Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC–113828 (Sub-No. E23), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are used in, or incidental to the preparation, packing, and shipment of processed foods, in bulk, from points in Rhode Island to points in Delaware, Maryland, Washington, D.C., and those points in Pennsylvania on, south, and west of a line beginning at the intersection of the New Jersey-Pennsylvania State line, and extending along U.S. Highway 1 to Interstate Highway 276, thence along Interstate Highway 276 to its intersection with Pennsylvania Highway 422, thence along Pennsylvania Highway 422 to its intersection with Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC–113828 (Sub-No. E24), filed June 4, 1974. Applicant: O'BOYLE

TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Such commodities,* as are used in, or incidental to, the preparation, packing, and shipment of processed foods, in bulk, from points in Connecticut, to points in Delaware, Maryland, Washington, D.C., and those points in Pennsylvania on, south, and west of a line beginning at the New Jersey-Pennsylvania State line, and extending along U.S. Highway 1 to its intersection with Interstate Highway 276, thence along Interstate Highway 276 to Pennsylvania Highway 422, thence along Pennsylvania Highway 422 to its intersection with Pennsylvania Highway 322, thence along Pennsylvania Highway 322 to its intersection with U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Atlantic County, N.J.

No. MC–113828 (Sub-No. E26), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid concrete additives,* in bulk, from Baltimore, Md., to points in New Jersey and Pennsylvania. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC–113843 (Sub-No. E648), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foods,* from Havre de Grace, Md., to points in (1) that portion of Wisconsin on, north, and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 27 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line; (2) points in that portion of Kansas on, north, and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54 to Pratt, thence along U.S. Highway 281 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 140, thence along Kansas Highway 140 to Salina, thence along Kansas Highway 220 to junction Interstate Highway 70, thence along Interstate Highway 70 to Junction City, thence along Kansas Highway 18 to Manhattan, thence along U.S. Highway 24 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 116, thence along Kansas Highway 116 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E651), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foods,* from Baltimore, Md., to points in Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E652), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foods,* from Baltimore, Md., to points in that part of Kansas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E653), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foods,* from Baltimore, Md., to points in that portion of Iowa on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 4 to Estherville, thence along Iowa Highway 9 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E654), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned foods,* from Havre de Grace, Md., to points in the Upper Peninsula of Michigan and points in that portion of the Lower Peninsula of Michigan on and west of a line beginning at Lake Michigan and extending along Michigan Highway 46 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 57, thence along Michigan Highway 57 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction U.S. Highway 31, thence along U.S. Highway 31 to Mackinaw City and the Straits of Mackinac. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC–113843 (Sub-No. E655), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Baltimore, Md., Hampton and Richmond, Va., to Silver Creek and Westfield, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E656), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Baltimore, Md., to points in that portion of Minnesota on, north, and west of a line beginning at the Minnesota-Iowa State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E657), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Hampton, Va., to points in Cheyenne County, Kans. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E658), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Baltimore, Md., to points in Kansas on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E659), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Baltimore, Md., Hampton and Richmond, Va., and the District of Columbia to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–113843 (Sub-No. E660), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Huntington, W. Va., and the District of Columbia, to Silver Creek, N.Y. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC–113843 (Sub-No. E662), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E663), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E664), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Connecticut. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113843 (Sub-No. E674), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC–116016 (Sub-No. E1), filed May 12, 1974. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Kentucky 40391. Applicant's representative: Ralph Oliver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from points in Pennsylvania to points in Arkansas. The purpose of this filing is to eliminate the gateways of points in Bath, Carter, Powell, or Rowan Counties, Ky., and points in Clark County, Ky.

No. MC–117344 (Sub-No. E11), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, in bulk, in tank vehicles, from Gary and Hammond, Ind., to points in Alabama, Georgia, Delaware, Maryland, New Hampshire, New Jersey, North Carolina, South Carolina, Vermont, West Virginia, that part of Tennessee on and east of Interstate Highway 65, that part of Ohio on and south of Interstate Highway 70, that part of Kentucky on and east of a line beginning at the Kentucky-Indiana State line, thence along Kentucky Highway 55 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, that part of Maine on and south of a line beginning at the Maine-New Hampshire State line, thence along U.S. Highway 2 to junction U.S. Highway Alternate 1, thence along U.S. Highway Alternate 1 to junction Maine Highway 3, thence along Maine Highway 3 to junction Maine Highway 102, thence along Maine Highway 102 to the Atlantic Ocean, that part of New York on and south of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line, and that part of Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–117344 (Sub-No. E12), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evandale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Decatur, Gary, and Hammond, Ind., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio and Columbus, Ohio.

No. MC–118959 (Sub-No. E28), filed May 9, 1974. Applicant: JERRY LIPPS INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products* (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from the plantsites and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., to points in that part of Maryland on, east, and north of the line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 81 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, and (2) *Materials* used in the processing or manufacturing of paper products (except commodities in bulk and those which because of size or weight require special equipment and handling), from the destination points named in (1) above to the plantsites and storage facilities of Hudson Pulp and Paper Corp., in Putnam County, Fla. The purpose of this filing is to eliminate the gateway of the plantsite of the Georgia-Pacific Corporation at Reading, Pa.

No. MC–119531 (Sub-No. E163), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Vienna, W. Va., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of DoHon, Ill.

No. MC–119531 (Sub-No. E28), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and accessories* therefor, when shipped with metal containers, from the plant site of the Liquid Box Corporation, Worthington, Ohio, and the plant site of Continental Can Company, Worthington, Ohio, to points in Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Colorado, Kansas, and Texas. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–119531 (Sub-No. E152), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes* (fiberboard or pulpboard), corrugated or other than corrugated, knocked down, from Anderson, Ind., to points in that part of Tennessee on, east, and south of a line beginning at Jellico, Tenn., and extending south along Interstate Highway 75 to its intersection with Interstate Highway 40, and thence along Interstate Highway 40 to the Tennessee-Arkansas State line. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E153), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cylindrical containers*, from the plant site of Container Corporation

of America at Chicago, Ill., to points in New Jersey, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, and Delaware. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E154), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cylindrical containers*, from the plant site of Container Corporation of America at Chicago, Ill., to points in Virginia and West Virginia, restricted against movement of commodities in bulk and those requiring the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of the Heekin Can Company at Cincinnati, Ohio.

No. MC–119531 (Sub-No. E155), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and covers*, from Hoopeston, Ill., to points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Delaware. The purpose of this filing is to eliminate the gateway of Cleveland, Ill.

No. MC–119531 (Sub-No. E156), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, (1) from Chattanooga and Knoxville, Tenn., to points in Indiana on and north of Interstate Highway 70, and that part of Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; and (2) from Chattanooga and Knoxville, Tenn., to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, Mich., thence along U.S. Highway 23 to Bay City, Mich., thence along the shores of Saginaw Bay and Lake Huron to Port Huron, Mich. The purpose of this filing is to eliminate the gateways of (a) Noblesville, Ind., for (1) above, and (b) Noblesville, Ind., and Wabash, Ind., for (2) above.

No. MC–123383 (Sub-No. E2), filed June 4, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, and materials and supplies* used in the installation of composition board, from the plant site of the Celotex Corp. at Deposit, N.Y., to points in Minnesota, Iowa, Kansas, Missouri, Wisconsin, and Nebraska, restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateway of Pittstown, Pa.

No. MC–123383 (Sub-No. E4), filed June 4, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, and accessories* used in the installation of plywood and hardboard, from Chesapeake Bay, to points in Michigan. The purpose of this filing is to eliminate the gateway of the warehouse sites and other facilities used by Evans Products Company at Baltimore, Md.

No. MC–123383 (Sub-No. E5), filed June 4, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and such gypsum products* (except fly ash and asphalt, in bulk, in tank or hopper vehicles) as are building and roofing supplies or materials, from the plant site of U.S. Gypsum Company at Baltimore, Md., to Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC–123383 (Sub-No. E6), filed June 4, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials, and such gypsum products* (except fly ash and asphalt, in bulk, in tank or hopper vehicles) as are building supplies or materials, from the plant site of U.S. Gypsum Company at Baltimore, Md., to Newark, N.J., and points within 15 miles thereof, and points in that part of New York on and south of a line beginning at the New York-Vermont State line, thence along New York Highway 7 to Binghampton, thence along U.S. Highway 11, to the New York-Pennsylvania State line, and points in Connecticut; and (2) *Building materials* (except structural steel), from the plant site of U.S. Gypsum Company at Baltimore, Md., to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Philadelphia, Pa., and Jersey City, N.J.

No. MC–123383 (Sub-No. E10), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail hardware stores when moving from, to, or between the warehouses, retail stores, or any other facilities of producers or distributors of such commodities (except iron and steel products and commodities in bulk), from points in that part of New Jersey south of Interstate Highway 80 to points in Connecticut. The purpose of this filing is to eliminate the gateway of Roseland, N.J.

No. MC–123383 (Sub-No. E12), filed June 4, 1974. Applicant: BOYLE BROS., INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: John J. Boyle (same as above. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail hardware stores when moving from, to, or between the warehouses, retail stores, or any other facilities of producers or distributors of such commodities (except iron and steel products and commodities in bulk), from points in that part of New York on, south, and east of a line beginning at the New York-Massachusetts State line, thence along U.S. Highway 20 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to Hancock, thence along unnumbered highway to the New York-Pennsylvania State line, to points in that part of New Jersey south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Roseland, N.J.

No. MC–138960 (Sub-No. 1), filed June 4, 1974. Applicant: KOBROS TRANSPORTATION SYSTEM, INC., P.O. Box 169, Columbus, Ohio 43216. Applicant's representative: Robert E. Konchar (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving from, to, or between wholesale food business house outlets, or other facilities of such establishments, between points in Ohio, on the one hand, and, on the other, points in Arkansas and Louisiana, points in that part of Mississippi west of U.S. Highway 45, points in that part of Kentucky on and west of U.S. Highway 41, and points in that part of Tennessee west of Tennessee Highway 13. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC–138960 (Sub-No. E2), filed June 4, 1974. Applicant: KOBROS TRANSPORTATION SYSTEM, INC., P.O. Box 169, Columbus, Ohio 43216. Applicant's representative: Robert E. Konchar (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by

wholesale food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving from, to, or between wholesale food business house outlets, or other facilities of such establishments, between points in that part of Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 70 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Alabama on and west of U.S. Highway 65.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-18478 Filed 8-13-74;8:45 am]

[Notice No. 65]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 9, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

*Special notice:* The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

### MOTOR CARRIERS OF PROPERTY

No. MC-27817 (Sub-No. 107) (Republication) filed May 7, 1973, and published in the FEDERAL REGISTER issue of June 28, 1973, and republished this issue. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. An Order of the Commission, Review Board Number 3, dated July 19, 1974, and served July 30, 1974, finds that the public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *foodstuffs and canning materials and supplies* (except liquids in bulk, in tank or hopper vehicles, but including cider, vinegar, molasses, and petroleum products), between the facilities of Duffy-Mott Co., Inc., at Williamson, Hamlin, and Holley, N.Y., and Aspers, Pa., and (2) of *empty metal containers* from Freeport, N.Y., to the facilities of Duffy-Mott Co., Inc., at Aspers, Pa., restricted in (1) and (2) above to the transportation of shipments between the points specified; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-102298 (Notice of filing of petition to amend the commodity description) filed July 18, 1974. Petitioner: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Petitioner's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Petitioner holds a motor *common carrier* certificate in No. MC-102298, issued April 12, 1974, authorizing, as pertinent, transportation, over irregular routes, of *Emigrant movcables*, between points in that part of Iowa on and south of Iowa Highway 150 from Davenport to Cedar Rapids, on and south of Iowa Highway 64 from Cedar Rapids to the western boundary of Dallas County, and east of the western boundaries of Dallas, Madison, Union, and Ringgold Counties, Iowa, on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, Illinois, Wisconsin, Minnesota, and South Dakota. By the instant petition, petitioner seeks to amend the commodity description to read: *"Household goods"*, in lieu of *"Emigrant movcables"*. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-114608 (Sub-No. 27) (Partial correction of a notice of filing of petition to extend territorial description), filed June 27, 1974, published in the FEDERAL REGISTER issue of August 8, 1974, and republished, as corrected in part, this issue. Petitioner: CAPITAL EXPRESS, INC., 1239 Randolph SW., Grand Rapids, Mich. 49507. Petitioner's representative: J. M. VanDaalen (same address as Petitioner).

NOTE.—The purpose of this partial republication is to correctly state the petitioner holds a motor *contract carrier* permit No. MC-114608 (Sub-No. 27), which was previously published in error. The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127299 (Notice of filing of petition to modify permit) filed July 16, 1974. Petitioner: PENNY EXPRESS, INC., 718 W. Birchtree Lane, Claymont, Del. 19703. Petitioner's representative: Jean Mark, 1828 L Street, NW., Washington, D.C. 20036. Petitioner presently holds a motor *contract carrier* permit in No. MC 127299 issued July 22, 1969, authorizing transportation, over irregular routes, of (1) *New furniture and new household and office furnishings*, from the sites of stores and warehouses of W. T. Grant Company, J. C. Penny Company, Inc. and Cherry's Inc., at Wilmington and New Castle, Del., and in Philadelphia, Delaware, and Montgomery Counties, Pa., to Baltimore, Md., and points in Kent and New Castle Counties, Del., Harford and Cecil Counties, Md., Montgomery, Philadelphia, Delaware, Bucks, Lancaster, Chester, Dauphin, Berks, Northampton, and Lehigh Counties, Pa., and Camden, Burlington, Gloucester, Salem, Middlesex, Atlantic, Ocean, and Mercer Counties, N.J., to the sites of stores and warehouses of W. T. Grant Company, J. C. Penny Company, Inc., and Cherry's Inc., at Wilmington and New Castle, Del., and in Philadelphia, Delaware, and Montgomery Counties, Pa.; (1) and (2) above, under continuing contract or contracts, with Cherry's Inc. of Wilmington, Del., W. T. Grant Co., and J. C. Penny Company, Inc. By the instant petition, petitioner seeks to modify the permit to read "(1) *New furniture and new household and office furnishings*, from the sites of stores and warehouses of S. S. Fretz, Jr., Inc., J. C. Penny Company, Inc., and Cherry's Inc., at Wilmington and New Castle, Del., and in Philadelphia, Delaware, and Montgomery Counties, Pa., to Baltimore, Md., and points in Kent and New Castle Counties, Del., Harford and Cecil Counties, Md., Montgomery, Philadelphia, Delaware, Bucks, Lancaster, Chester, Dauphin, Berks, Northampton, and Lehigh Counties, Pa., and Camden, Burlington, Gloucester, Salem, Middlesex, Atlantic, Ocean, and Mercer Counties, N.J.; and (2) *returned shipments*, from Baltimore, Md., and points in Kent and New Castle Del., Harford and Cecil Counties, Md., Montgomery, Philadelphia, Delaware, Bucks, Lancaster, Chester, Dauphin, Berks, Northampton, and Lehigh Counties Pa., and Camden, Burlington, Gloucester, Salem, Middlesex, Atlantic, Ocean, and Mercer Counties, N.J. to the sites of stores and warehouses of S. S. Fretz Jr., Inc., J. C. Penny Company, Inc., and Cherry's Inc., at Wilmington and New Castle, Del., and in Philadelphia,

Delaware and Montgomery Counties, Pa.; (1) and (2) above, under continuing contract, or contracts with Cherry's Inc., of Wilmington, Del., S. S. Fretz, Jr., Inc., and J. C. Penny Company, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127999 (Sub-No. 1) (Notice of filing of petition to substitute a contracting shipper), filed July 29, 1974. Petitioner: DUN-RITE TRUCKING SERVICE, INC., 111 South Kensico Avenue, White Plains, N.Y. 10601. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner presently holds a motor *contract carrier* permit in No. MC 127999 (Sub-No. 1), issued March 26, 1968, authorizing, as pertinent, transportation, over irregular routes, of *New Furniture,* (1) between New Rochelle, White Plains, Forest Hills, and the Boroughs of Bronx and Brooklyn, N.Y., and Paramus, N.J.; and (2), between New Rochelle, White Plains, Forest Hills, and the Boroughs of Bronx and Brooklyn, N.Y., and Paramus, N.J., on the one hand, and, on the other, points in New Jersey on, north, and east of a line beginning at Atlantic City, N.J., and extending along U.S. Highway 206 to Trenton, New Jersey; (1) and (2) above, under a continuing contract or contracts with Mallary, Inc., of New Rochelle, N.Y. By the instant petition, petitioner seeks to substitute Klein Sleep Products, Inc., of White Plains, N.Y., as a contracting shipper, in lieu of Mallary, Inc., of New Rochelle, N.Y. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–133488 (Notice of filing of petition to modify permit) filed July 26, 1974. Petitioner: EMPRISE TRUCKING CO., INC., 140 Federal Street, Boston, Mass. 02110. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Petitioner presently holds a motor *contract carrier* permit in No. MC 133488, issued December 3, 1973, authorizing transportation over irregular routes, of (A) (1) *Steel articles, aluminum articles, and parts and accessories* used in the installation thereof, from the plantsite of Roll Form Products, Inc., at Malvern, Pa., the plantsite of Roll Form Products, Inc. of North Carolina, at North Carolina State Port near Wilmington, N.C., and the plantsite of Roll Form Products of New England, Inc., at Hingham, Mass., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Materials, equipment and supplies* used in the manufacture or distribution of the commodities described above (except commodities in bulk), from points in the District of Columbia and the above-described destination States to the said plantsites at Malvern, Pa., North Carolina State Port near Wilmington, N.C., and Hingham, Mass.; (A) above, under a continuing contract or contracts with Roll Form Products, Inc., Roll Form Products, Inc. of North Carolina and Roll Form Products of New England, Inc.; (B) (1) *Iron and steel articles, and aluminum articles and* (2) *materials, equipment, and supplies* used in the manufacture, installation or distribution of the commodities described in (1) above (except commodities in bulk), (a) Between the facilities utilized by Roll Form Products, Inc., at or near Gloucester City, N.J., Malvern, Pa., and East Chicago, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) Between the facilities utilized by Roll Form Products, Inc., at or near Tampa, Fla., on the one hand, and, on the other, points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa, and Minnesota; (B) above, under a continuing contract, or contracts, with Roll Form Products, Inc. By the instant petition, petitioner seeks to modify the permit to read: "(A) (1) Steel articles, aluminum articles, and parts and accessories used in the installation thereof, from the plantsite of Roll Form Products, Inc., and Studco Corporation, at Malvern, Pa., the plantsite of Roll Form Products, Inc., of North Carolina, and Studco Corporation at North Carolina State Port near Wilmington, N.C., and the plantsite of Roll Form Products of New England, Inc., and Studco Corporation at Hingham, Mass., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Materials, equipment and supplies* used in the manufacture or distribution of the commodities described above (except commodities in bulk), from points in the District of Columbia and the above-described destination States to the said plantsites at Malvern, Pa., North Carolina State Port near Wilmington, N.C., and Hingham, Mass.; and (B) (1) *Iron and steel articles, and aluminum articles,* and (2) *materials, equipment, and supplies* used in the manufacture, installation or distribution of the commodities described in (1) above (except commodities in bulk), (a) between the facilities utilized by Roll Form Products, Inc., and Studco Corporation, at or near Gloucester City, N.J., Malvern, Pa., and East Chicago, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and (b) between the facilities utilized by Roll Form Products, Inc., and Studco Corporation at or near Tampa, Fla., on the one hand, and, on the other, points in the United States in and east of Texas, Oklahoma, Nebraska, Iowa, Kansas, and Minnesota; in (A) and (B) above, under a continuing contract or contracts with Roll Form Products, Inc., and Studco Corporation." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134477 (Sub-No. 21) (Notice of filing of petition to modify certificate), filed July 2, 1974. Petitioner: SCHANNO TRANSPORTATION, INC., P.O. Box 3496, 5 West Mendota Road, West Saint Paul, Minn. 55118. Petitioner's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Petitioner presently holds a motor *common carrier* certificate in No. MC 134477 (Sub-No. 21), issued March 14, 1974, authorizing transportation, over irregular routes, of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), which are at the time moving on bills of lading of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of ABC Freight Forwarding Corporation and Midland Corporation, Inc., at East Hartford and Stratford, Conn., Boston, Mass., Elizabeth, N.J., and New York, N.Y., to St. Paul, Minn. By the instant petition, petitioner seeks to modify the certificate to read: "From the facilities of Central States Forwarding Corporation, Master Forwarding Corporation, and National Carloading Corporation and its division, ABC-Trans National Transport, at East Hartford and Stratford, Conn., Boston, Mass., Elizabeth, N.J., and New York, N.Y., to St. Paul, Minn." Any interested person or persons desiring to participate may file any original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136381 (Sub-No. 1) (Partial correction of a notice of filing of petition to modify a commodity description) filed July 18, 1974, published in the FEDERAL REGISTER issue of July 31, 1974, and republished, as corrected in part, this issue. Petitioner: BRITISH PACIFIC TRANSPORT, LTD., 60 Braid Street, New Westminster, British Columbia, Canada. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98181.

NOTE.—The purpose of this partial republication is to correct the Certicate No. MC 136381 (Sub-No. 1) in lieu of MC 136831 (Sub-No. 1). The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136757 (Notice of filing of petition to modify the commodity description), filed July 26, 1974. Petitioner: INTERSTATE ROAD RUNNER, INC., 74-16 Grand Avenue, Maspeth, N.Y. 11378. Petitioner's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Petitioner holds a motor *contract carrier* permit No. MC-136757, issued April 26, 1974, authorizing transportation over irregular routes, of (1) *Steel tubing, electrical fittings, electrical conduit, microphone stands, pipe and fittings, lamp and lighting fixture, parts and accessories, and furniture parts and furniture accessories*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution, and sale of the commodities in (1) above (except commodities in bulk), between Maspeth, N.Y., Metuchen, N.J., and Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract, or contracts with Berger Industries, Inc., of Maspeth, N.Y., restricted to the transportation of traffic originating at or destined to the facilities of Berger Industries, Inc., at or near Maspeth, N.Y., Metuchen, N.J., and Chicago, Ill. By the instant petition, petitioner seeks to modify its commodity description to read: "(1) *Steel tubing, electrical fittings, electrical conduits, microphone stands, pipe and fittings, lamp and lighting fixtures, parts and accessories, and furniture parts and accessories, and bicycles, and parts and accessories therefor*, (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and sale of the commodities in (1) above (except commodities in bulk)". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 139533 (Notice of filing of petition to remove a restriction), filed July 23, 1974. Petitioner: ALEX K. SCHERER, 22 Oak Lane, Ottawa, Ill. 61350. Petitioner's representative: Alex K. Scherer (same address as petitioner). Petitioner presently holds motor *common carrier* authority in No. MC 139533, as authorized by transfer in MC-FC-74939, approved February 22, 1974 and consummated April 9, 1974, authorizing as pertinent, transportation over irregular routes, of (1) *Brick, clay products, silica sand, and glass and glass products*, from points in La Salle County, Ill., to Davenport, Iowa, and points in that part of Wisconsin on and south of U.S. Highway 18; and (2) *Sand*, from points in La Salle County, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin, restricted against the transportation of sand, in containers, from points in La Salle County, Ill., to points in Wisconsin, Minnesota, and those points in that part of Missouri on and west of U.S. Highway 65. By the instant petition, petitioner seeks to remove the restriction as stated above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

## APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

### MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC-52709 (Sub-No. 326), filed May 31, 1974. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Littleton, Colo. 80102. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Regular routes: General commodities* (except classes A and B explosives, livestock, uncrated used household goods and office furniture, and articles too large to load on enclosed trucks or trailers), From Los Angeles over U.S. Highway 66 to Barstow, Calif.; thence over U.S. Highway 91 to Spanish Fork, Utah, and thence over U.S. Highway 50 to Grand Junction; and *crated household goods, butter, and returned empty wine containers*, From Grand Junction, Colo., to Los Angeles, Calif., serving no intermediate points: From Grand Junction over the above-specified route to Los Angeles. Restriction: The service authorized above is subject to the condition that said carrier shall not also operate as a private carrier of property by motor vehicle, in interstate or foreign commerce, between Grand Junction, Colo., and Los Angeles, Calif. General commodities (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than refrigerated equipment), From Grand Junction, Colo., to Los Angeles, Calif., serving no intermediate points: From Grand Junction over the above-specified route to Los Angeles, and return over the same route with no transportation for compensation except as otherwise authorized.

*Regular routes: General commodities*, (except those of unusual value, classes A and B explosives other than small arms ammunition, household goods, as defined by the Commission, livestock, and commodities in bulk), between Los Angeles, Calif., and San Bernardino, Calif., serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over U.S. Highway 99 to junction U.S. Highway 91 at or near Colton, Calif., thence over U.S. Highway 91 to San Bernardino, and return over the same route. Between Los Angeles Calif., and Pomona, Calif., serving all intermediate points; and off-route points within 25 miles of Los Angeles: From Los Angeles over Valley Boulevard to Pomona, and return over the same route. Between Los Angeles, Calif., and Long Beach, Calif., serving all intermediate points; and off-route points within 25 miles of Los Angeles, and Long Beach; From Los Angeles over U.S. Highway 6 to junction Alternate U.S. Highway 101, thence over Alternate U.S. Highway 101 to Long Beach, and return over the same route. Between Long Beach, Calif., and Colton, Calif., serving all intermediate points; and off-route points within 25 miles of Long Beach: From Long Beach over U.S. Highway 91 to Colton, and return over the same route. Between junction U.S. Highway 99 and unnumbered highway (approximately 3 miles west of Colton, Calif.), and junction U.S. Highway 91 and unnumbered highway north of San Bernardino, Calif., serving all intermediate points: From Junction U.S. Highway 99 and unnumbered highway (approximately 3 miles west of Colton) over said unnumbered highway via Rialto, Calif., to junction U.S. Highway 91 (north of San Bernardino) and return over the same route.

*Regular routes: General Commodities* (except explosives and wool), between Los Angeles, Calif., and junction U.S. Highway 6 and Nevada Highway 47, serving all intermediate points; and the off-route points of Monolith, Randsburg, and Atolia, Calif., and points within 30 miles of First and Main Streets, Los Angeles, Calif.: From Los Angeles over U.S. Highway 6 to junction Nevada Highway 47, and return over the same route. *General commodities* (except classes A and B explosives, livestock, wool, and petroleum products in tank trucks). From Tonopah, Nev., to Salt Lake City, Utah, serving all intermediate points on the authorized portion of U.S. Highway 6 (except Ely, Nev.), and the off-route points within five miles of Salt Lake City, Utah, and serving Tonopah for joinder purposes only: From Tonopah over U.S. Highway 6 to Ely, Nev., and thence over Alternate U.S. Highway 50 to Salt Lake City, and return over the same route with no transportation for compensation except as otherwise authorized. *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration), between Reno,

Nev., and Tonopah, Nev., serving all intermediate points (except points between Reno and Hawthorne, Nev.), and serving those points east of Hawthorne including Tonopah for joinder purposes only: From Reno over U.S. Highway 40, or Interstate Highway 80 to junction Alternate U.S. Highway 95, thence over Alternate U.S. Highway 95 to junction U.S. Highway 95, thence over U.S. Highway 95 to Tonopah, and return over the same route. *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Tonopah, Nev., and Las Vegas, Nev., serving no intermediate points, and serving Tonopah for joinder purposes only: From Tonopah over U.S. Highway 95 to Las Vegas, and return over the same route.

Classes A and B explosives, between Lathrop Wells, Nev., and Las Vegas, Nev., serving no intermediate points, but serving the off-route point of the site of the United States Atomic Energy Project, near Indian Springs, Nev., restricted to the transportation of shipments originating at or destined to said off-route point: From Lathrop Wells over U.S. Highway 95 to Las Vegas, and return over the same route. *Restriction:* The authority granted herein to the extent it authorizes the transportation of Dangerous Explosives is limited in point of time to a period expiring December 24, 1978. Explosives, between Los Angeles, Calif., and Silverpeak, Nev., serving all intermediate points, and the off-route points within 30 miles of First and Main Streets, Los Angeles, Calif., and all off-route points in Nevada within 80 miles of Silverpeak, Nev., and the off-route points of Monolith, Randsburg, Atolia, Muroc Army Air Field and Flight Test Station, located approximately 20 miles from Mojave, Seal Beach, Port Hueneme, Point Magu, located approximately five miles from Port Hueneme, and the U.S. Naval Testing Station located approximately eight miles from Inyokern, Calif.: From Los Angeles over U.S. Highway 6 via Mojave, Calif., to Blair Junction, Nev., and thence over Nevada Highway 47 to Silverpeak and return over the same route. Between Mojave, Calif., and Beatty, Nev., serving no intermediate points, but serving the off-route points in Nevada within 80 miles of Silverpeak, Nev.: From Mojave over U.S. Highway 466 via Barstow, Calif., to Baker, Calif., thence over California Highway 127 to the California-Nevada State line, thence over Nevada Highway 29 to junction U.S. Highway 95, and thence over U.S. Highway 95 to Beatty, and return over the same route.

From Tonopah, Nev., to Salt Lake City, Utah, serving all intermediate points in Nevada: From Tonopah over U.S. Highway 6 to Ely, Nev., and thence over Alternate U.S. Highway 50 to Salt Lake City, and return over the same route with no transportation for compensation except as otherwise authorized. Between Los Angeles, Calif., and Barstow, Calif., as alternate routes for operating convenience only, serving no intermediate points: From Los Angeles over U.S. Highway 66 to Barstow, and return over the same route. From Los Angeles over U.S. Highway 99 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Barstow, and return over the same route. *Alternate routes for operating convenience only: General commodities* (except Classes A and B explosives, livestock, wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Salt Lake City, Utah, and San Bernardino, Calif., serving the intermediate point of Barstow, Calif., and with service at Barstow and San Bernardino, Calif., for the purpose of joinder only: From Salt Lake City over U.S. Highway 91 through Las Vegas, Nev., to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, and return over the same route. *General commodities* (except Classes A and B explosives, livestock, wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Los Angeles, Calif., and San Bernardino, Calif., serving no intermediate points: From Los Angeles over U.S. Highway 99 to junction U.S. Highway 91, and thence over U.S. Highway 91 to San Bernardino, and return over the same route. *General commodities* (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Basalt, Nev., and junction Nevada Highway 10 and U.S. Highway 96 (near Mina, Nev.), serving no intermediate points: From Basalt over Nevada Highway 10 to junction U.S. Highway 95, and return over the same route. *General commodities* (except wool, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction U.S. Highways 395 and 6, at or near Bishop, Calif., and Reno, Nev., serving no intermediate points: From junction U.S. Highways 395 and 6 over U.S. Highway 395 to Reno, and return over the same route.

*Regular routes: General Commodities,* From Salt Lake City, Utah, to Tonopah, Nev., serving the intermediate and off-route points of Currant, Lockes, and Hot Creek, Nev., and points within five miles of each, for delivery only, and serving Tonopah for joinder purposes only: From Salt Lake City, Utah over Alternate U.S. Highway 50 (or over Interstate Highway 80 to Wendover, Utah, thence over Alternate U.S. Highway 50) to Ely, Nev., thence over U.S. Highway 6 to Tonopah, Nev. *Regular routes:* Classes A and B Explosives, between Las Vegas, Nev., and Tonopah, Nev., serving no intermediate points, but serving the off-route point of the site of Tonopah Ballistics Range, Tonopah Nev., restricted to the transportation of shipments originating at or destined to said off-route point: From Las Vegas over U.S. Highway 95 to Tonopah, and return over the same route. Restriction: The authority granted herein to the extent it authorizes the transportation of Dangerous Explosives is limited in point of time to a period expiring with April 4, 1974. *General Commodities* (except those of unusual value Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Los Angeles, Calif., as an alternate route for operating convenience in connection with carrier's regular route operation between Denver and Los Angeles, serving no intermediate points: From Denver over Interstate Highway 25 to junction U.S. Highway 160 at or near Walsenburg, Colo., thence over U.S. Highway 160 to junction Colorado Highway 159 at or near Fort Garland, Colo. thence over Colorado Highway 159 to the Colorado-New Mexico State line, thence over New Mexico Highway 3 to junction U.S. Highway 64 at or near Taos, N. Mex., thence over U.S. Highway 64 to Santa Fe, N. Mex., thence over Interstate Highway 25 (and, pending completion of Interstate Highway 25, over U.S. Highway 85 and New Mexico Highway 422), to Albuquerque, N. Mex,. thence over Interstate Highway 40 (and pending completion of Interstate Highway 40, over U.S. Highway 66) to junction U.S. Highway 89 near Ash Fork, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or near Congress, Ariz., thence Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, and return over the same route.

*Alternate route for operating convenience only: General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, Colo., and Los Angeles, Calif., in connection with carrier's authorized regular-route operations between Denver, Colo., and Los Angeles, Calif., serving no intermediate points: From Denver over U.S. Highway 285 to junction Colorado Highway 112 near Center, Colo., thence over Colorado Highway 112 to junction U.S. Highway 160 at or near Del Norte, Colo., thence over U.S. Highway 160 to junction U.S. Highway 666 at or near Cortez, Colo., thence over U.S. Highway 666 to junction Colorado Highway 40, approximately six miles north of the New Mexico-Colorado State line, thence over Colorado Highway 40 to the Colorado-New Mexico State line, thence over New Mexico Highway 364 to the New Mexico-Arizona State line, thence over Arizona Highway 364 to junction Arizona Highway 64 at or near Carrizo, Ariz., thence over Arizona Highway 64 to junction U.S. Highway 89 approximately 11 miles west of Tuba City, Ariz., thence over U.S. Highway 89 to junction Arizona Highway 71 at or

near Congress, Ariz., thence over Arizona Highway 71 to junction U.S. Highway 60 at or near Aguila, Ariz., thence over U.S. Highway 60 to junction Interstate Highway 10 near Quartzsite, Ariz., and thence over Interstate Highway 10 to Los Angeles, and return over the same route. Restriction: The authority granted herein and carrier's existing authority between the involved termini shall be construed as comprising only a single operating right, not severable by sale or otherwise. Regular routes: General Commodities (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment other than refrigerated equipment), serving Las Vegas, Nev., as an intermediate point in connection with carrier's regular route operations between Grand Junction, Colo., and Los Angeles, Calif. Restriction: The service authorized under the commodity description next above is restricted against the transportation of traffic (a) originating at points in California on the one hand, and destined on the other to Las Vegas, Nev., and (b) originating at Las Vegas, Nev., on the one hand and destined on the other to points in California.

*Regular routes: Classes A and B explosives and commodities* requiring special equipment, between Grand Junction, Colo., and Las Vegas, Nev., serving no intermediate points: From Grand Junction over U.S. Highway 50 to junction Utah Highway 24, thence over Utah Highway 24 to junction unnumbered highway, thence over unnumbered highway to junction Utah Highway 62, thence over Utah Highway 62 to junction Utah Highway 22, thence over Utah Highway 22 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Utah Highway 20, thence over Utah Highway 20 to junction U.S. Highway 91, and thence over U.S. Highway 91 to Las Vegas, and return over the same route. *Classes A and B explosives,* between Las Vegas, Nev., and junction U.S. Highway 91 and California Highway 127, serving no intermediate points and serving junction U.S. Highway 91 and California Highway 127 for purpose of joinder only: From Las Vegas over U.S. Highway 91 to junction California Highway 127, and return over the same route. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein shall not be severable, by sale or otherwise, from the authority in Certificates Nos. MC 52709. The authority granted herein to the extent it authorizes the transportation of Classes A and B explosives shall be limited, in point of time, to a period expiring May 24, 1976. *Alternate routes for operating convenience only: General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albuquerque, N. Mex., and Kansas City, Mo., serving no intermediate points, and serving Albuquerque for purposes of joinder only: From Albuquerque over U.S. Highway 66 to junction U.S. Highway 54 at or near Santa Rosa, N. Mex., thence over U.S. Highway 54 to junction Kansas Highway 61 at or near Pratt, Kans., thence over Kansas Highway 61 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, and return over the same route. Between junction U.S. Highway 54 and Kansas Highway 61, and junction U.S. Highway 50 and the Kansas Turnpike at or near Emporia, Kans., serving no intermediate points and serving the termini for purposes of joinder only: From junction U.S. Highway 54 and Kansas Highway 61 over U.S. Highway 54 to junction the Kansas Turnpike at or near Wichita, Kans., thence over the Kansas Turnpike (Interstate Highway 35) to junction U.S. Highway 50, and return over the same route.

Restriction: The operations authorized next above are limited to the transportation of traffic moving between Albuquerque, N. Mex., and Kansas City, Kans. Between Santa Fe, N. Mex., and junction U.S. Highways 54 and 160 at or near Plains, Kans., serving no intermediate points, and serving Santa Fe and junction U.S. Highways 54 and 160 for purposes of joinder only: From Santa Fe over U.S. Highway 85 to junction U.S. Highway 56 at or near Springer, N. Mex., thence over U.S. Highway 56 to junction U.S. Highway 270 at or near Hugoton, Kans., thence over U.S. Highway 270 to junction U.S. Highway 83 about 10 miles north of Liberal, Kans., thence over U.S. Highway 83 to junction U.S. Highway 160, thence over U.S. Highway 160 to junction U.S. Highway 54, and return over the same route. Restriction: The operation authorized next above are limited to the transportation of traffic moving between Santa Fe, N. Mex., and Kansas City, Mo. Between junction U.S. Highways 54 and 81 at or near Wichita, Kans., and Kansas City, Mo., serving no intermediate points, and serving junction U.S. Highways 54 and 81 for purposes of joinder only: From the junction U.S. Highways 54 and 81 over U.S. Highway 81 to junction Interstate Highway 70 at or near Salina, Kans., thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route. Between junction Kansas Turnpike and U.S. Highway 50, and junction Kansas Turnpike and Interstate Highway 70 at Tecumseh, Kans., serving no intermediate points, and serving junction Kansas Turnpike and U.S. Highway 50, and Kansas Turnpike and Interstate Highway 70 for purposes of joinder only: From junction Kansas Turnpike and U.S. Highway 50 over the Kansas Turnpike to junction Interstate Highway 70, and return over the same route. Restriction: The operations authorized under the two routes next above are limited to the transportation of traffic moving between Albuquerque and Santa Fe, N. Mex., on the one hand, and, on the other, Kansas City, Mo. *Regular and Irregular Routes: Classes A and B Explosives,* between the points authorized and over the routes described in carrier's presently-held certificates authorizing the transportation of general commodities (except among other commodities, classes A and B explosives) in California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming.

Restriction: The service herein is subject to all existing territorial restrictions applicable to operations in the above States, except that no authority is granted to transport classes A and B explosives (1) between points both of which are east of U.S. Highway 85, and (2) originating at the Corn Husker Ordinance Plant near Grand Island, Nebr. This certificate shall be of no further force and effect after November 24, 1975. Alternate Routes for Operating Convenience Only: General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between junction Interstate Highways 15 and 40 at or near Barstow, Calif., and Kingman, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Kingman for joinder purposes only: From junction Interstate Highways 15 and 40 over Interstate Highway 40 (also U.S. Highway 66) to Kingman, and return over the same route: Between Kingman, Ariz., and Ash Fork, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for joinder purposes only: From Kingman over U.S. Highway 66 to junction Interstate Highway 40, thence over U.S. Highway 66 (also Interstate Highway 40) to Ash Fork, and return over the same route. Between Beaumont, Calif., and Riverside, Calif., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Beaumont for joinder purposes only: From Beaumont over California Highway 60 to Riverside, and return over the same route: Between junction U.S. Highway 395 and California Highway 14 and Beechers Corners, Calif., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points and serving said junction and Beechers Corners for joinder purposes only: From junction U.S. Highway 395 and California Highway 14 over U.S. Highway 395 to Beechers Corners, and return over the same route.

Between Beechers Corners, Calif., and junction U.S. Highway 395 and Interstate 15 near Cajon Summit, Calif., in connection with carrier's authorized regular route operations, serving no intermediate points and serving the termini for joinder purposes only: From Beechers Corners over U.S. Highway 395 to junction Interstate Highway 15, and return over the same route. Between Las Vegas, Nev., and Kingman, Ariz., in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving Las Vegas and Kingman for joinder purposes only: From Las Vegas over U.S. Highway 93 to Kingman, and return over the same route. *General commodities*

(except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Junction U.S. Highway 50 and Interstate Highway 70 at or near Green River, Utah, and Salina, Utah, in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for jointer purposes only: From junction U.S. Highway 50 and Interstate Highway 70 over Interstate Highway 70 to junction Utah Highway 4, thence over Utah Highway 4 to Salina, and return over the same route. Between Salina, Utah, and Junction U.S. Highway 91 (Also Interstate Highway 15) and Utah Highway 63 at or near Scipio, Utah, in connection with carrier's authorized regular and alternate route operations, serving no intermediate points, and serving the termini for joinder purposes only: From Salina over Utah Highway 63 to junction U.S. Highway 91 (also Interstate Highway 15) and Utah Highway 63, and return over the same route.

*Regular routes: General Commodities,* except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment over an alternate route for operating convenience only: Between Price, Utah, and Cove Fort, Utah, serving no intermediate points and with service at the termini for joinder of routes only: From Price over Utah Highway 10 to Salina, Utah, thence over U.S. Highway 89 to Sevier, Utah, thence over Utah Highway 13 to Cove Fort, and return over the same route. All routes and authority segments above will be tacked except where expressly Restricted.

NOTE.—Delta Lines, Inc., seeks to purchase a portion of the Certificates of Public Convenience and Necessity held by Ringsby Truck Lines, Inc. The purpose of this application is to enable Ringsby Truck Lines, Inc. to retain those operating rights which it already has and which it is not selling to Delta Lines, Inc. This is a matter directly related to the Section 5 proceeding in MC-F-12212, published in the FEDERAL REGISTER issue of May 15, 1974. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Las Vegas, Nev., or Omaha, Nebr.

No. MC-F-11982. (Supplemental) (ROY M. McNAIR—Control—SHAMROCK VAN LINES, INC.), published in the September 19, 1973, issue of the FEDERAL REGISTER on pages 26249 and 26250. By petition filed June 5, 1974, applicants sought to amend the application to substitute Towne Services Household Goods Transportation Co., Inc., as applicant in place of Roy M. McNair, to reopen the proceedings, and for further consideration of the order of the Commission, Review Board 5, dated April 30, 1974, served May 8, 1974, which denied the application. Applicants' petition was granted and subject to the present republication, the acquisition of control by Towne Services Household Goods Transportation Co., Inc., of Shamrock Van Lines, Inc., and the merger of the latter into the former was authorized by order on further consideration of the Commission, Review Board 5, dated July 16, 1974. The Commission, by same order, also authorized the acquisition by Roy M. McNair of control of the operating rights and property through the transaction.

No. MC-F-12282. Authority sought for purchase by WHEATLEY TRUCKING, INC., P.O. Box 458, 125 Brohawn Ave., Cambridge, MD 21613, of the operating rights of RICKWOOD TRANSPORTATION CO., INC., Box 338 Wrights Ave., Hurlock, MD 21643, and for acquisition by MARION L. WHEATLEY, SR., also of Cambridge, MD 21613, of control of such rights through the purchase. Applicants' attorney: Daniel B. Johnson, 1123 Munsey Bldg., 1329 "E" St. NW., Washington, DC 20004. Operating rights sought to be transferred: *Agricultural commodities,* as a *common carrier,* over irregular routes, from points and places in Accomack and Northampton Counties, Va., Wicominco, Worcester, Somerset, Dorchester, and Caroline Counties, Md., and Sussex County, Del., to New York, Buffalo, Rochester, Syracuse, and Schenectady, N.Y., Philadelphia and Pittsburgh, Pa., Baltimore, Md., Washington, D.C., and Richmond, Va., from points and places in Dorchester County, Md., to Reading, York, Harrisburg, Wilkes-Barre, Scranton, Lancaster, and Norristown, Pa., Newark, Trenton, and Atlantic City, N.J., Boston, Mass., and points and places on Long Island, N.Y., from Philadelphia, Pa., and Mt. Holly, N.J., to Hurlock, Md.; *box materials,* from Cambridge, Md., to North Bergen, N.J.; *canned goods,* from Aberdeen, Harve de Grace, and Pocomoke City, Md., and points and places in Dorchester, Caroline, Talbot, Queen Annes, and Wicomico Counties, Md., and Sussex County, Del., to Baltimore, Md., Washington, D.C., and points and places in New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and Pennsylvania, from Cambridge, Denton, and Vienna, Md., Newark, Laurel, and Oak Grove, Del., to Providence, R.I., Boston, New Bedford, Fall River, and Springfield, Mass., Washington, D.C., Alexandria, and Exmore, Va., and points and places in New York on and east of U.S. Highway 11, those in Pennsylvania on and east of U.S. Highway 11, and those in New Jersey, Connecticut, Delaware, and Maryland; *canning machinery,* from Philadelphia, Pa., to Hurlock, Md.; *cans,* empty, from Cambridge, Md., to Newark and Laurel, Del.; *cartons,* empty, from Philadelphia, Pa., to Cambridge and Hurlock, Md.; *cartons, paper, paint, livestock, poultry feeds, noodles, spaghetti, fish,* and *produce,* from Philadelphia, Pa., to Cambridge, Md.; *coal,* from Snow Shoe, Pottsville, Minersville, and Freeland, Pa., to points and places in Dorchester County, Md., from Pottstown, Pottsville, Minersville, Reading, Scranton, and Philadelphia, Pa., and Baltimore, Md., to Denton, Preston, Hurlock, Vienna, Cambridge, Easton, and Federalsburg, Md.; *fertilizer, livestock, poultry feeds,* and *materials,* used in the manufacture of livestock and poultry feeds, from Baltimore, Md., Philadelphia and Nazareth, Pa., to Denton, Preston, Hurlock, Vienna, Cambridge, East New Market, Centerville, Chestertown, Galena, Sudlersville, Secretary, Easton, and Rhodesdale, Md.; *salt,* from Silver Springs, N.Y., to Cambridge, Md.; *sugar,* from Philadelphia, Pa., New York, N.Y., and Baltimore, Md., to Easton, Hurlock, and Cambridge, Md.; *tomato pulp,* from Newark and Laurel, Del., to Cambridge, Md. Vendee is authorized to operate as a *common carrier* in Virginia, Maryland, Delaware, District of Columbia, Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Florida, Georgia, North Carolina, Michigan, Alabama, South Carolina, Tennessee, Indiana, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12283. Authority sought for purchase by FIDERAK TRUCKING, INC., Lafayette Street, R.D. No. 2, Tamaqua, PA 18252, of the operating rights of VERNA GALGOCY, Executrix, Estate of MICHAEL KALNASH, 1109 Franklin St., Shamokin, PA 17872, and for acquisition by STEVE J. FIDERAK, 511 Schuylkill Ave., Tamaqua, PA 18252, of control of such rights through the purchase. Applicants' attorney: Paul B. Kemmerer, 1620 N. 19th St., Allentown, PA 18104. Operating rights sought to be transferred: *Coal,* as a *common carrier* over irregular routes, from Scranton, Mahanoy City, Tamaqua, Hazleton, and Carbondale, Pa., and points and places within 10 miles of each, to the towns of Litchfield, Southbury, Woodbury, and Roxbury, Conn., traversing New York for operating convenience only, from Tamaqua, Pa., and points and places within ten miles thereof, to Kinderhook, N.Y., from Hazleton, Mahanoy City, and Tamaqua, Pa., and points within eight miles of each points to certain specified points in Connecticut, from Mahanoy City, Hazleton, and Tamaqua, Pa., and points within ten miles of each to certain specified points in Connecticut, from Scranton, Lackawanna County, Pa., and points within 15 miles thereof in Lackawanna County, and Wilkes-Barre, Luzerne County, Pa., and points within 15 miles thereof in Luzerne County, to certain specified points in Connecticut. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12284. Authority sought for purchase by ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203, of a portion of the operating rights of PATTERSON TRUCKING COMPANY, P.O. Box 13406, Memphis, TN 38113, and for acquisition by HARRY N. COONLEY, 5523 Hawthorne Rd., Little Rock, AR, of control of such rights through the purchase. Applicants' attorney: Louis I. Dailey, Suite 2208 Sterick Bldg., Memphis, TN 38103. Operating rights sought to be transferred: *Com-*

*modities,* in bulk, as a *common carrier* over regular routes, between Memphis, Tenn., and West Memphis, Ark. Vendee is authorized to operate as a *common carrier* in Arkansas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12285. Authority sought for control and merger by DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802, of the operating rights and property of RUMPF TRUCK LINE, INC., 424 South Maumee St., Tecumseh, MI 49286, and for acquisition by L. EUGENE DUFF, also of Lima, OH 45802, of control of such rights and property through the transaction. Applicants' attorneys: David Axelrod, 39 South La Salle St., Chicago, IL 60603, Robert W. Minor, 52 East Gay St., Columbus, OH 43215, and Sullivan and Leavitt P.C., P.O. Box 400, Northville, MI 48167. Operating rights sought to be controlled and merged: *General commodities,* with exceptions, as a *common carrier* over regular routes, between Britton, Mich., and Toledo, Ohio, between Tecumseh, Mich., and junction U.S. Highway 223 via Petersburg, Mich., between Clinton and Britton, Mich., between Ann Arbor and Clinton, and between Ann Arbor and Tecumseh, serving various intermediate and off-route points, over one alternate route for operating convenience only. DUFF TRUCK LINE, INC., is authorized to operate as a *common carrier* in Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12286. Authority sought for purchase by SANBORN'S MOTOR EXPRESS, INC., 550 Forest Ave., Portland, ME 04101, of the operating rights of STEWART TRANSPORT, INC., P.O. Box 504, Londonderry, NH 03053, and for acquisition by HOWARD L. SANBORN, H. BLAINE SANBORN, and DWIGHT L. SANBORN, all of Portland, ME 04101, of control of such rights through the purchase. Applicants' attorney: Mary E. Kelley, 11 Riverside Ave., Medford, MA 02155. Operating rights sought to be transferred: *General commodities,* with expections, as a *common carrier* over regular routes, between Boston, Mass., and Derby, Vt., serving the intermediate point of Newport, Vt., between Newport, Vt., and the Port of Entry between the United States and Canada at North Troy, Vt. Vendee is authorized to operate as a *common carrier* in Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12287. Authority sought for purchase by O. N. C. FREIGHT SYSTEMS, 2800 W. Bayshore Road, Palo Atlo, CA 94303, of the operating rights and property of BLACK BALL FREIGHT SERVICE, Pier 30, Seattle, WA 98134, and for acquisition by ROCOR INTERNATIONAL, DAVID P. ROUSH AND DIANE G. ROUSH, as custodian of their minor children, all of 260 Sheridan Ave., Palo Atlo, CA 94306, of control of such rights and property through the purchase. Applicants' attorney: Martin J. Rosen, 140 Montgomery St., San Francisco, CA 94104. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier* over regular routes, between Seattle, Wash., and certain specified points in Washington, between Quilcene, and Maynard, Wash., between Seattle, Wash., and points in Washington, over alternate routes for operating convenience only, between Bremerton, Wash., and Quilcene and Shelton, Wash., and all intermediate points, and the off-route points of Grapeview, Stadium, and Harstine, Wash., between Tacoma, and Bremerton, Wash., serving various intermediate and off-route points, between Seattle, and Bremerton, Wash., serving various intermediate and off-route points, between Seattle and Bremerton, Wash., as an alternate route for operating convenience only, serving no intermediate points; *class A, B, and C explosives,* between intermediate and off-route points within 15 miles of Seattle, Wash., and within 18 miles of Tacoma and Olympia, Wash., not including Seattle, Tacoma and Olympia, on the one hand, and, on the other, intermediate, and off-route and terminal points in Clallam, Jefferson, and Kitsap Counties, Wash.; *dangerous explosives,* over irregular routes, between points within 15 miles of Seattle, Wash., not including Seattle, on the one hand, and, on the other, points in Clallam, Jefferson, and Kitsap Counties, Wash.; *general commodities,* with exceptions, between points in Mason County, Wash., located on and north of a line formed by an unnumbered highway, known as the Arcadia Road, commencing at a point on the eastern boundary line of Mason County near Arcadia, Wash., and extending along said road to its junction with U.S. Highway 101 about 2 miles south of Shelton, Wash., thence along said highway to Shelton, Wash., and thence westerly along an unnumbered highway known as the Matlock Road, through Dayton and Matlock, Wash., to the western boundary line of Mason County, with restriction; class A, B, and C explosives, between points within 15 miles of Seattle, Wash., and within 18 miles of Tacoma, Wash., and Olympia, Wash., not including Seattle, Tacoma, and Olympia, on the one hand, and, on the other, points in Clallam, Jefferson, and Kitsap Counties, Wash., with restriction. Vendee is authorized to operate as a *common carrier* in California, Arizona, New Mexico, Texas, Oregon, Washington, and Nevada. Application has been filed for temporary authority under section 210a(b).

## NOTICE

LAKE ERIE, FRANKLIN & CLARION RAILROAD COMPANY (LEF&C) hereby gives notice that on the 26th day of July 1974, it filed with the Interstate Commerce Commission in Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving the purchase of a portion of a line of railroad owned by Pittsburg and Western Railroad Company and operated by The Baltimore and Ohio Railroad Company, which application was assigned Finance Docket No. 27409. In accordance with the Commission's regulations (49 CFR 1111.2(13)) as amended May 16, 1972, the applicant states the following:

(1) The name and address of the applicant and its attorney are:

Lake Erie, Franklin & Clarion Railroad Company
Drawer 430
Clarion, Pennsylvania 16214

H. Ray Pope, Jr.
Attorney for Applicant
10 Grant Street
Clarion, Pennsylvania 16214

(2) The nature of the proposed transaction is the purchase by LEF&C of a portion of a line of railroad owned by Pittsburg and Western Railroad Company and operated by The Baltimore and Ohio Railroad Company.

(3) (a) Lake Erie, Franklin & Clarion Railroad Company proposes to purchase and operate that portion of the Pittsburg and Western Railroad Company line, operated by The Baltimore and Ohio Railroad Company, extending from Knox, Pennsylvania, at Valuation Station 3091+00, to Marienville, Pennsylvania, at Valuation Station 4963+20, a distance of 35.46 miles, in Clarion and Forest Counties, Pennsylvania.

(b) Lake Erie, Franklin & Clarion Railroad Company presently owns and operates a line of railroad entirely in Clarion and Jefferson Counties, Pennsylvania.

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 432, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-18666 Filed 8-13-74;8:45 am]

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WEDNESDAY, AUGUST 14, 1974

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PART II


# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Office of Education

■

# NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES PROGRAM

## Proposal Regarding Construction Grants

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of Education

### [45 CFR Part 153]

### NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES PROGRAM

### Proposal Regarding Construction Grants

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Part IV of Title III of the Communications Act of 1934, as amended, 47 U.S.C. 390 et seq., the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by redesignating Part 60 as Part 153, with appropriate redesignations of section numbers, and by amending the provisions of such redesignated part, to read as set forth below.

At present, there will be no guidelines for this program. The regulation contains mandatory requirements for the program. Should guidelines be issued in the future they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* The purpose of the Educational Broadcasting Facilities Program is to assist, through matching grants, in the development of noncommercial educational television and radio broadcasting facilities throughout the States. Such assistance is designed to achieve (1) prompt and effective use of all educational television channels remaining available; (2) equitable geographical distribution of noncommercial educational television and radio facilities throughout the States; and (3) the provision of noncommercial educational television and radio broadcasting facilities which will serve the greatest number of persons and serve them in as many areas as possible, and which are adaptable to the broadest educational uses. Parties eligible for assistance under the program include (1) agencies or officers responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof; (2) State noncommercial educational television and/or radio agencies; (3) colleges or universities deriving support in whole or in part from tax revenues; (4) nonprofit foundations, corporations, or associations organized primarily to engage in or encourage noncommercial educational television and/or radio broadcasting and eligible to receive an FCC license; and (5) municipalities which own and operate a broadcasting facility transmitting only noncommercial programs.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the Educational Broadcasting Facilities Program. Upon publication of the revised, redesignated Part 153 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 60 (redesignated as Part 153) will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 60 and which are covered under the overall Office of Education general provisions regulation, published in the FEDERAL REGISTER at 38 FR 30653 (November 6, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. Part 100a of Title 45 CFR is applicable to the Educational Broadcasting Facilities Program except where specifically made inapplicable in the proposed regulation. Certain sections of Part 100a of Title 45 CFR are not applicable to the Educational Broadcasting Facilities Program because they are inconsistent with the statutory authority for the program and/or inappropriate for grants the purpose of which is to acquire and install broadcasting transmission equipment.

4. *Appendices.* Appendices have been added to the regulation which set forth (1) (in Appendix A) requirements related to kinds and qualities of transmission apparatus and related expenditures which are eligible as project costs and (2) (in Appendix B) project priorities to be applied, in addition to the criteria contained in § 153.12 of the proposed regulation, in reviewing applications. Appendix A hitherto has been distributed in manual form to applicants under the program. The provisions of Appendix B have been separately published in the FEDERAL REGISTER for Fiscal Years 1972, 1973, and 1974 but have not previously been subjected to codification in CFR. The priorities contained in Appendix B are intended to reflect current and timely needs for new noncommercial educational broadcasting stations, expansion of existing stations, and improved facilities consistent with rapidly changing communications technology in order that limited Federal resources may have the maximum positive impact in developing an effective noncommercial educational broadcasting system for the Nation. It is expected that both Appendices will be updated periodically to reflect changing communications technology and evolving needs of the noncommercial educational broadcasting system.

5. *Proposed incorporation of Electronic Industries Association standards.* Appendix A-II proposes to incorporate by reference standards and specifications of the Electronic Industries Association, including:

1. Electronic Industries Association Standard RS-222-B (December, 1972), "Structural Standards for Steel Antenna Towers and Supporting Structures."
2. Electronic Industries Association Standard RS-170 (November, 1970), "Electrical Performance Standards—Monochrome Television Studio Facilities."
3. Electronic Industries Association Standard TR-144 (February, 1956), "Color Television Test Signal to Accompany Monochrome Transmission."
4. Electronic Industries Association Standard RS-219 (April, 1959), "Audio Facilities for Radio Broadcasting Systems."

These standards would serve as benchmarks for determining the extent to which the various items of transmission apparatus proposed for a project are necessary to, and capable of, achieving the objectives of the project, a criterion for evaluation of applications set forth in proposed § 153.12(a)(7).

The materials proposed for incorporation, which are published by the Electronic Industries Association, an association of the manufacturers of electronic equipment, are widely recognized and utilized within the electronics industry as the appropriate standards and specifications for electronics equipment.

Copies of these standards may be obtained from the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202 or from the Electronic Industries Association, Engineering Department, 2001 Eye Street, NW, Washington, D.C. 20006.

6. *Other changes from current regulation.* The proposed amendment would reorganize existing part 60 (redesignated as part 153) into a clearer format paralleling the organization of the Office of Education general provisions regulation. In addition, it would add language, in § 153.6, to clarify requirements for FCC authorizations in relation to applications for assistance under the Educational Broadcasting Facilities Program.

7. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation applies to all that appears in that section above the citation. When the citation appears only at the end of the section, it applies to the entire section.

8. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on October 1, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, SW, Washington, D.C. 20202, beginning at 10:00 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW, Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance No. 13.413, Educational Broadcasting Facilities (Public Broadcasting))

Dated: June 18, 1974.

PETER P. MUIRHEAD,
*Acting U.S. Commissioner of Education.*

Approved: July 18, 1974.

CASPAR W. WEINBERGER,
*Secretary of Health, Education, and Welfare.*

## PART 153—EDUCATIONAL BROADCASTING FACILITIES PROGRAM

Subpart A—General



AUTHORITY: Pub. L. 87-447, 76 Stat. 64-67, as amended (47 U.S.C. 390-395, 397-399), unless otherwise noted.

### Subpart A—General

§ 153.1 Scope.

This part governs the provision of grants by the Commissioner under authority delegated to him by the Secretary for the construction of noncommercial educational broadcasting facilities pursuant to the provisions of Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390-395; 397-399).

(47 U.S.C. 394)

§ 153.2 Other pertinent rules and regulations.

(a) Assistance provided under this part shall be subject to applicable provisions contained in Subchapter A of this Chapter (General Provisions for Office of Education programs relating to fiscal, administrative, and other matters), except to the extent that such provisions are inconsistent with, or expressly made inapplicable by, the provisions in this part.

(b) Other rules and regulations pertinent to applications for the operation of noncommercial educational broadcasting stations are contained in the rules and regulations of the Federal Communications Commission, 47 CFR Part 1 (Practice and Procedure); Part 2 (Frequency Allocations and Radio Treaty Matters; General Rules and Regulations); Part 17 (Construction, Marking, and Lighting of Antenna Structures); Part 73 (Radio Broadcast Services); and Part 74 (Experimental Auxiliary and Special Broadcast and Other Program Distributional Services).

(47 U.S.C. 394)

§ 153.3 Definitions.

(a) Applicable definitions set forth in § 100.1 of this chapter shall apply to the regulations of this part, except that definitions of "equipment" and "project" set forth in § 100.1 of this chapter shall not be applicable to this part.

(b) The following terms shall have the following meanings when used in this part:

Notwithstanding the definition of "Acquisition" set forth in § 100.1 of this chapter, "Acquisition" means the assumption of ownership of transmission apparatus (including the receipt of gifts) and necessary delivery.

"Act" means Part IV of Title III of the Communications Act of 1934, as amended (47 U.S.C. 390-395, 397-399).

"Broadcasting" means the dissemination of standard AM, FM, or TV electronic energy through the atmosphere intended primarily for reception by the general public.

"Closed circuit" means a system for the distribution of electronic signals by a means other than broadcasting.

"College" and "university" mean an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond the secondary level, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward such a degree, and (4) is accredited by a nationally recognized accrediting agency or association; or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

"Construction" means the acquisition and installation of transmission apparatus (including towers, microwave equipment, boosters, translators, repeaters, mobile equipment, and recording equipment) necessary for television broadcasting, or radio broadcasting, as the case may be, including apparatus which may incidentally be used for transmitting closed circuit television programs, but does not include the construction or repair of structures to house such apparatus.

"Corporation" means the Corporation for Public Broadcasting established pursuant to Subpart B of the Act (47 U.S.C. 396).

"Deriving its support in whole or in part from tax revenues," as applied to a college or university, means that such college or university receives direct and continuing State or local tax revenues for a current academic program of instruction for which credit is offered at the higher education level.

"Educational broadcasting" means broadcasting of educational, community service, and cultural programs of benefit to the area or community served by such broadcasting.

"Facilities" means transmission apparatus as defined in this section.

"Fair-market value" means the price arrived at by a seller who is willing to sell, and a buyer who is willing to buy, where both parties are freely negotiating in good faith. Criteria used to establish fair-market value include: (1) The price at which a like item (model, age,

and condition) has changed hands; (2) in the case of a donation, the donor's purchase price or cost of manufacture, less reasonable allowance for depreciation due to use and age; (3) the catalog or other established price of a new item of the same type, less reasonable allowance for depreciation due to use and age; or (4) appraisal, satisfactory to the United States, made by one or more qualified impartial appraisers.

"FCC" means the Federal Communications Commission.

"Installation" means the assembling, affixing, and taking any other steps necessary or required in order to make ready for use transmission apparatus included in the project.

"Owned by the applicant" as applied to transmission apparatus means that the applicant's interest in such transmission apparatus is, at least, the primary, equitable, or beneficial interest, including the obligation to own.

"Planning" means such engineering, legal, and other activities performed by qualified employees or consultants as are provided for in Appendix A to this part, but does not include the preparation of statewide or regional plans, the conduct of surveys, or the preparation and conduct of proceedings or contests before the FCC beyond the preparation, filing, and routine prosecution normally required for uncontested applications.

"Project" means the planning, acquisition, and installation of only those items of transmission apparatus, in accordance with the provisions of Appendix A to this part, related to one noncommercial educational broadcasting station which the Commissioner determines to be eligible for Federal financial assistance pursuant to the provisions of this part.

"Regional plan" means an organized design for the dispersion of noncommercial educational broadcasting facilities within a geographical area not otherwise specifically defined by either State boundaries or by the broadcast contours of an individual noncommercial educational broadcast station.

"Reserved channel" means a channel reserved by the FCC for the exclusive use of a noncommercial educational broadcast station.

"Service area" means:

(1) In the case of television, that area included within the station's predicted Grade B contour.

(2) In the case of AM radio broadcasting, that area included within the station's predicted 500 microvolt contour, and

(3) In the case of FM radio broadcasting, that area included within the station's predicted 1 millivolt contour.

"Situated in any State" means, with respect to a noncommercial educational broadcast station and all transmission apparatus resulting from a project associated with such station, situated (irrespective of physical location) in the State in which the channel occupied or applied for is assigned by the FCC, unless the Commissioner, in light of all the pertinent facts and circumstances of a particular case, specifically determines otherwise.

"State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"State educational television agency" and "State educational radio agency" mean, with respect to television broadcasting and radio broadcasting, respectively:

(1) A board or commission established by State law for the purpose of promoting such broadcasting within a State;

(2) A board or commission appointed by the Governor of a State for such purpose if such appointment is not inconsistent with State law; or

(3) A State officer or agency responsible for the supervision of public elementary or secondary education or public higher education within the State which has been designated by the Governor to assume responsibility for the promotion of such broadcasting. In the case of the District of Columbia, the term "Governor" as used in this paragraph means the Mayor of the District of Columbia, and in the case of the Trust Territory of the Pacific Islands, means the High Commissioner thereof.

"Transmission apparatus" means that apparatus which is necessary for noncommercial educational broadcasting in accordance with the provisions of Appendix A to this part.

(47 U.S.C. 392, 394, 397; 20 U.S.C. 1221)

## Subpart B—Eligibility and Applications

### § 153.4 Eligible applicants.

(a) Applications for Federal financial assistance under this part for an educational television project may be submitted by:

(1) An agency or officer responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof;

(2) A State educational television agency;

(3) A college or university deriving its support in whole or in part from tax revenues; or

(4) A nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommercial educational television broadcasting and is eligible to receive a license from the FCC for a noncommercial educational television broadcasting station pursuant to the rules and regulations of the FCC in effect on April 12, 1962; or

(5) A municipality which owns and operates a facility used only for noncommercial educational broadcasting.

(b) Applications for Federal financial assistance under this part for an educational radio project may be submitted by:

(1) An agency or officer responsible for the supervision of public elementary or secondary education or public higher education within a State, or within a political subdivision thereof;

(2) A State educational radio agency;

(3) A college or university deriving its support in whole or in part from tax revenues;

(4) A nonprofit foundation, corporation, or association which is organized primarily to engage in or encourage noncommerical educational radio broadcasting and is eligible to receive a license from the FCC, or meets the requirements of paragraph (a) (4) of this section and is organized primarily to engage in or encourage such radio broadcasting and is eligible for such a license for such a radio station; or

(5) A municipality which owns and operates a facility used only for noncommercial educational broadcasting.

(47 U.S.C. 392(a) (1), 394, 397).

### § 153.5 Application for financial assistance.

(a) (1) An applicant eligible for grant assistance under this part must file an application with the Commissioner as provided in § 100a.15 of this chapter.

(2) To reactivate any pending application accepted for filing in a previous fiscal year, the applicant must, on or before such cutoff date as may be provided by the Commissioner pursuant to § 100a.15 of this title, (i) submit a statement indicating that it wishes the application to be considered as it stands or (ii) amend its application.

(3) Any application or substantive amendment thereto shall contain (i) a new or revised project summary, (ii) assurances required under paragraph (c) of this section, and (iii) such other information relating to noncommercial broadcasting activities as may be deemed necessary by the Commissioner pursuant to §§ 100a.15; 100a.16, except paragraph (b) thereof; 100a.17; 100a.18; and 100a.19 of this Chapter.

(4) The applicant may submit amendments or additional information relevant to his application.

(b) Radio and television applications must be submitted separately.

(47 U.S.C. 394)

(c) No project will be approved unless the applicant has provided in the application information to establish, to the Commissioner's satisfaction, that:

(1) (i) The applicant meets the requirements of eligibility set forth in § 153.4;

(ii) The applicant's organic or corporate powers include the authority to construct and operate noncommercial educational broadcast facilities, and to receive Federal funds for such construction.

(2) In the case of a nonprofit foundation, corporation, or association eligible under § 153.4, the applicant is so organized as to be reasonably representative of the educational, cultural, and civic groups in the community to be served, and free from such control by a single private entity (either through membership on its board of directors, source of funds, or otherwise) as would prevent

or restrict it from serving overall community needs or interests;

(3) The transmission apparatus to be acquired and installed under the project will be owned by the applicant;

(4) The operation of the noncommercial educational broadcast facilities will be under the control of the applicant or a person qualified under § 153.4 to be an applicant;

(5) Sufficient funds will be available when needed:

(i) To meet the non-Federal share of the cost of the project;

(ii) To acquire all land and to construct and install all facilities, structures, and equipment, in addition to the transmission apparatus included in the project, necessary to place the proposed noncommerical educational broadcast facilities in operation; and

(iii) To operate and maintain the noncommercial educational broadcast facilities at a level which will provide adequate program services to the community on a scale consistent with the intent of the Act and the proposed project;

(6) All non-Federal financial sources available for the project have been taken into account, and the non-Federal share stated by the applicant as being available for use in the project is the maximum contribution available from such sources;

(7) The applicant holds appropriate title or lease to the site or sites on which apparatus proposed in the project will be operated, including the right to construct, maintain, operate, and remove such apparatus, sufficient to assure continuity of operation of the station for a period of 10 years following completion of the project;

(8) The transmission apparatus to be acquired and installed under the project will be used primarily for educational broadcasting purposes and only incidentally for educational purposes by means of closed circuit;

(9) There has been comprehensive planning for educational broadcasting facilities and services in the area the applicant proposes to serve, and the applicant has participated in such planning; and

(10) The applicant will make the most efficient use of the frequency assigned to him by the FCC.

(47 U.S.C. 392 (a), (d), and (e), 394)

§ 153.6 FCC authorization.

(a) Any FCC authorization or authorizations required for the project and for the operation of the station with which the project is to be associated must be in the name of the applicant.

(b) If the project is to be associated with an existing station, FCC operating authority for that station must be current and valid.

(c) For any project requiring a new authorization or authorizations from the FCC, the applicant must file with the Commissioner a copy of each FCC application and any amendments thereto.

(d) If the applicant fails to file a required application or applications by any closing date established pursuant to § 100a.15 of this chapter, or if the FCC returns, dismisses, or denies an application required for the project or any part thereof, or for the operation of the station with which the project is associated, the Commissioner may return the application for Federal financial assistance to the applicant.

(47 U.S.C. 392(a), 394, 395)

§ 153.7 Service of applications.

(a) Each applicant shall promptly serve a copy of his application, and each amendment thereto, for Federal financial assistance under this part upon each of the following:

(1) The Secretary, Federal Communications Commission, Washington, D.C. 20554; and

(2) The State educational television or radio agency, if any, in the State in which the channel associated with the project is assigned by the FCC, or, if the channel in question is assigned jointly to communities in different States, upon the State educational television or radio agency, if any, in each of such States.

(b) Each applicant must also give written notice of the filing of his application, and each amendment thereto, to the State educational broadcast agency, if any, in any State, any part of which is within the service area of the proposed broadcast station unless such agency has been served in accordance with paragraph (a) of this section.

(47 U.S.C. 392(c), 394)

§ 153.8 Acceptance of applications.

(a) Applications tendered for filing with the Commissioner will be given a preliminary examination. Those found to be complete or substantially complete in accordance with the provisions of this part will be accepted for filing. Applications which are not substantially complete or which are determined to be substantially not in accordance with the provisions of this part will not be accepted for filing and will be returned to the applicant: *Provided*, That within 30 days of such return, the applicant may file with the Commissioner a petition pursuant to § 153.22. Acceptance of an application for filing will not preclude subsequent return or disapproval of the application if it is found to be not in accordance with the provisions of this part, or if the applicant fails to file any additional information or documents requested by the Commissioner.

(b) Applications proposing projects which require new authorization or authorizations from the FCC will not be accepted for filing by the Commissioner until after the FCC has accepted for filing the necessary application or applications to the FCC for such authorization or authorizations.

(47 U.S.C. 392(a), 304, 395)

§ 153.9 Comments on applications.

(a) The Commissioner will publish notice in the FEDERAL REGISTER of the acceptance for filing of each application and of the receipt of each amendment which substantially affects an application.

(b) Within 30 calendar days from the date on which notice is published in the FEDERAL REGISTER of the acceptance for filing of an application (and within 10 calendar days from the date on which notice is published in the FEDERAL REGISTER of the receipt of an amendment) any State educational television and/or radio agency and any other interested person may file comments with the Commissioner in support of or in opposition to the application or amendment, setting forth the grounds for such support or opposition, accompanied by a certification that a copy of such comments has been mailed to the applicant.

(c) Within 15 calendar days from the last day for filing such comments, the applicant may file a reply to any comments opposing his application or an amendment thereof.

(d) The time periods referred to in paragraphs (b) and (c) of this section may be extended by the Commissioner if good cause is shown therefor.

(47 U.S.C. 394)

§ 153.10 Processing of applications.

With respect to applications accepted for filing pursuant to § 153.8, the Commissioner may at any time establish limitations on the maximum amount of Federal grants which may be approved for projects situated in each of the several States in order to comply with the limitation in the Act on grants for any State to 8½ per centum of the appropriation for any fiscal year or, if in his judgment, such action would assist in promoting equitable distribution of such Federal grants throughout the several States.

(47 U.S.C. 392 (b) and (d), 394)

§ 153.11 Coordination with the Corporation.

In acting on applications and carrying out his other responsibilities under the Act and this part, the Commissioner may consult with the Corporation and other agencies, organizations, and institutions administering programs which may be effectively coordinated with Federal assistance provided under the Act and this part.

(47 U.S.C. 394)

§ 153.12 Criteria for evaluation of applications.

(a) In order to achieve the objectives of section 392(d) of the Act, the Commissioner, in determining whether to approve an application for a Federal grant in whole or in part and the amount of such grant, or whether to defer action on such an application, will consider, in addition to criteria set forth in § 100a.26(b) of this chapter, excepting subparagraphs (3), (6), and (8) of § 100a.26(b) of this chapter, the following factors:

(1) Specific program priorities set forth in Appendix B to this part;

(2) The extent to which the noncommercial educational broadcasting

station associated with the project will contribute to meeting the needs for, and to improving the quality of, noncommercial educational broadcasting in the State and Nation;

(3) The general and specific educational and cultural needs of the local geographic area and population for noncommercial educational broadcasting service, as well as the need for local outlets for the origination of noncommercial educational broadcasting programs; the extent to which those needs are being or will be met by existing or proposed noncommercial educational broadcasting stations; and the extent to which the project is necessary to meet those needs;

(4) Equitable geographical distribution of funds throughout the States, and the impact of the Federal funds requested upon the State maximum limitation set forth by the Act;

(5) The need to equip existing stations for:

(i) Minimum state-of-the-art reproduction and/or program production capability consistent with current technological development and

(ii) Effective use of channels comparable to commercial stations in the same locality;

(6) The extent to which provision has been made for the cooperation and participation of educational, cultural, and community service agencies, institutions, and organizations within the service area of the station;

(7) The extent to which the various items of transmission apparatus proposed are necessary to, and capable of, achieving the objectives of the project (as measured in part by standards for project apparatus specified in Appendix A–II to this part);

(8) The cost-effectiveness of Federal funds in relationship to objectives of the project, and the extent to which non-Federal funds will be used to meet the total cost of the project;

(9) How quickly the applicant can be expected to complete the project after grant award;

(10) Whether the transmission apparatus will be used for noncommercial educational broadcasting on a reserved channel;

(11) The standards by which the noncommercial educational broadcasting station will operate, including the number of hours of broadcast proposed and the size of the professional staff to be employed;

(12) The nature, amount, and recency of any prior grants to the same applicant;

(13) The provisions of any relevant statewide or regional noncommercial educational broadcast plans; and

(14) The recommendations, if any, of the State educational television or radio agency.

(b) Applications under this part will not be approved by the Commissioner if they request funding to:

(1) Establish (or to improve only the production facilities of) a station with very low transmission power;

(2) Provide a facility primarily for student training activities; and/or

(3) Provide program services which are limited in nature, scope, and hours of broadcast.

(47 U.S.C. 392 (a), (c), (d), and (e); 394)

§ 153.13 Action on applications.

(a) After consideration of the application, any comments and replies filed by interested parties, and any other relevant information, the Commissioner will take one of the actions provided for in § 100a.27(a) of this chapter, *Provided*, That when he denies approval of the application, in whole or in part, he will set forth in writing the grounds and reasons therefor. Such denial shall not become final until 30 calendar days from the date of such denial, within which time the applicant may file with the Commissioner a petition for reconsideration pursuant to § 153.22 unless the right to file such a petition is waived in writing by the applicant.

(b) Upon the Commissioner's approval or denial, in whole or in part, of an application, the Commissioner will, in accordance with the provisions of § 100a.27(c) of this chapter, inform:

(1) The applicant,

(2) Each State educational television or radio agency, if any, in any State, any part of which lies within the service area of the applicant's broadcast station, and

(3) The FCC.

(c) If the Commissioner awards a grant, the grant award document shall include grant terms and conditions set forth in Appendix A to Subchapter A of this Chapter, excepting terms and conditions 2, 3(b) and (c), 5(e), 10, 11, 14, 20(a), 23, and 24 of such Appendix, and whatever other provisions are required by Federal law or regulations, or may be deemed necessary or desirable for the achievement of the purposes of the program supported under this part.

(47 U.S.C. 392(c), 394)

## Subpart C—Federal Financial Participation and Conditions of Federal Grant

§ 153.14 Amount of Federal grant.

(a) In accordance with §§ 100a.50 and 100a.51 of this chapter, and subject to the provisions of paragraphs (b) and (c) of this section, the Federal grant award shall be an amount determined by the Commissioner and set forth in the grant award document, which in no case shall exceed 75 percent of the amount which he determines to be the estimated, total, reasonable and necessary cost of the project. Such cost shall include the following:

(1) The purchase price of transmission apparatus (or fair market value of donated transmission apparatus) to be acquired in the project (in accordance with the provisions of Appendix A to this part); and

(2) Other costs related to the planning, acquisition, and installation of transmission apparatus in the project (in accordance with provisions of Appendix A to this part).

(b) Project costs shall not include the value of:

(1) Transmission apparatus owned by the applicant prior to the effective date of acceptance by the Commissioner for filing of the application, and services related thereto. Such effective date of acceptance for filing shall be specified in the FEDERAL REGISTER notice provided for under § 153.9(a) and shall be no earlier than the date on which the application was first received by the Commissioner in substantially approvable form;

(2) Transmission apparatus to the extent acquired or installed by donation from the United States or with Federal funds provided from sources other than under this part; and

(3) Transmission apparatus previously acquired or installed by a person other than the applicant by donation from the United States, or with Federal funds pursuant to this part or any other provisions of law.

(c) The total amount of the Federal grant award may not exceed the amount reasonable and necessary to meet the monetary cost of the transmission apparatus and personnel services in the project which are not donated.

(d) If the actual costs incurred in completing the project are less than the estimated costs which constituted the basis for the Commissioner's determination of the amount of the Federal grant award, the amount of the final grant shall be that amount of the actual total project cost remaining after deducting the amount of local matching funds certified by the applicant at the time of project approval as being available for use in the project (including the fair-market value of gifts, if any) provided that in no case shall the final Federal grant exceed the Federal grant award.

(e) Notwithstanding § 100a.51 of this chapter, grant awards under this part will not be revised by the Commissioner if the effect of the revision is to increase the amount of the grant award.

(47 U.S.C. 392(e), 394; 20 U.S.C. 1221c(b)(1), 1221c(b)(3))

§ 153.15 Payment of Federal grant.

(a) No payments under any award will be made unless and until the recipient complies with all relevant requirements imposed by this part, and until confirmation has been received from the FCC that any necessary existing authorization is current and valid and any necessary new authorization has been granted and such grant has become final.

(b) After the conditions indicated in paragraph (a) of this section have been satisfied, and notwithstanding § 100a.60–100a.64 of this chapter, payments will be made to the grantee in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner may require as a precondition to any such payments such site visits by representatives of the Department as he may deem appropriate to determine construction progress.

(47 U.S.C. 392(e), 394)

§ 153.16 Conditions of Federal grant.

(a) (1) Federal grants under this part shall not be subject to §§ 100a.156, 100a.159, 100a.161, 100a.172, 100a.173, 100a.260, 100a.270, and 100a.276 of this chapter.

(2) As applied to grants under this part, the terms "construction" and "facilities" used in Subpart K of part 100a of this chapter shall have the applicable definitions set forth in § 153.3.

(3) As applied to grants under this part, "program income", as the term is used in Subpart M of Part 100a, of this chapter, shall not include income to the grantee generated by its television or radio programming.

(b) Each Federal grant under this part shall be subject to the conditions that the grantee shall:

(1) Continue to meet the requirements set forth in § 153.5(c);

(2) Use the Federal grant funds for the purposes for which the Federal grant was made and for the items of transmission apparatus and other expenditure items specified in the application for inclusion in the project, except that the grantee may substitute other items where necessary or desirable to carry out the purpose of the project and provided that such substitutions will not result in an increase in the grant award and are approved by the Commissioner;

(3) Promptly complete the project and place the noncommercial educational broadcast facilities into operation;

(4) Maintain, during construction of the project and for 10 years after completion of the project, protection against common hazards through adequate insurance coverage or other equivalent undertakings, except that, to the extent the applicant follows a different policy of protection with respect to its other property, the applicant may extend such policy to transmission apparatus acquired and installed under the project;

(5) Permit inspections by the Commissioner or his duly authorized representative of the transmission apparatus acquired with Federal financial assistance at the time of completion of the project and at any other reasonable time within 10 years after completion of the project.

(47 U.S.C. 392(d)(1), 392(f), 394)

## Subpart D—Accountability for Federal Funds

§ 153.17 Retention of property records.

Each grantee shall keep intact and accessible fiscal records in accordance with the provisions of § 100a.477 of this chapter, provided that final disposition of nonexpendable personal property purchased under this part for purposes of § 100a.477(b)(2) of this chapter shall be deemed to have occurred 10 years after completion of the project.

(47 U.S.C. 392(f), 393, 394, 20 U.S.C. 1232c(a))

§ 153.18 Final certification.

Upon completion of the project, the grantee shall:

(a) Certify that the noncommercial educational broadcasting station has, where required, FCC authorization to broadcast following acquisition and installation of project equipment; and

(b) Certify that the acquisition and installation of the project equipment has been completed in accordance with the project as approved by the Commissioner.

(47 U.S.C. 392(f), 394, 20 U.S.C. 1232c(b)(3); 20 U.S.C. 1221c(b)(1))

§ 153.19 Annual status reports.

In addition to reports which may be required to be filed under § 100a.406 and § 100a.433 of this Chapter, the grantee must file with the Commissioner during the 10-year period commencing with the date of completion of a project:

(a) An annual status report on or before each April 1 following completion of the project, certifying that:

(1) There has been no change in ownership or use of such transmission apparatus during the reporting period, or describing any change during such period;

(2) The grantee continues to be an agency, officer, institution, foundation, corporation, association, or municipality described in § 153.4 as being eligible to receive a grant; and

(3) Such transmission apparatus as is owned by the grantee as of that date is being used for noncommercial educational broadcasting purposes.

(b) A copy of each of the following applications and reports, if any, which the grantee files with the FCC with respect to any such transmission apparatus: applications for extension of construction permit, license to cover construction permit, modification of construction permit or license, renewal of license, and for voluntary or involuntary assignment or transfer of control.

(47 U.S.C. 392(f), 394)

§ 153.20 Termination.

In addition to grounds for termination for cause specified in § 100a.495(a) of this chapter, the following circumstances shall constitute grounds for termination under § 100a.495 of this chapter:

(a) Final action by the FCC revoking a construction permit required for such project, denying an application for extension or a required modification of such construction permit, denying an application for construction permit to replace such required construction permit, or denying an application for a license to cover the construction permit; or

(b) Forfeiture of a construction permit required for a project for which a grant has been approved.

(47 U.S.C. 394; 20 U.S.C. 1221c(b)(1))

§ 153.21 Change in eligibility or use.

(a) Notwithstanding §§ 100a.215 (b), (c), and (d) and 100a.216 of this chapter, if assistance under this part is terminated pursuant to § 153.20 or if within 10 years after completion of any project with respect to which a Federal grant has been made pursuant to this part:

(1) The grantee ceases to be an agency, officer, institution, foundation, corporation, association, or municipality described in § 153.4 as being eligible to receive a Federal grant; or

(2) Any of the transmission apparatus included in the project ceases to be used for noncommercial educational broadcasting, either permanently or for an indefinite period of time, or such apparatus is used or disposed of for other than noncommercial educational broadcasting (other than as a trade-in for acquisition of other transmission apparatus to be used for such purposes); then the grantee shall (except as provided in paragraph (b) of this section) pay to the United States the amount bearing the same ratio to the then fair-market value of such apparatus, as the amount of the Federal participation bore to the cost of acquisition or installation of such apparatus.

(b) Where the grantee proposes to cease using any of the transmission apparatus included in the project for noncommercial educational broadcasting (as set forth in paragraph (a)(2) of this section), he may file a petition with the Commissioner requesting release from the obligation to make repayment to the United States, and setting forth with particularity the grounds and reasons for the request. Such petitions will be granted by the Commissioner only for good cause, and only if the proposed cessation of use for noncommercial educational broadcasting has not already taken place, unless the petitioner demonstrates to the satisfaction of the Commissioner that such cessation was due to causes not under the control of the petitioner. If the Commissioner denies the petition, the grantee may within 30 calendar days from the date of receipt of notice of such denial, file a petition for reconsideration pursuant to § 153.22.

(c) In any case where the Commissioner has reason to believe that any change in eligibility of use of transmission apparatus (as described in paragraph (a) of this section), has already taken place, he will promptly notify the grantee of the grounds and reasons for his belief that repayment to the United States is required. The grantee may, within 30 days from the date of receipt of such notification, file with the Commissioner a petition for reconsideration pursuant to § 153.22.

(d) If the Commissioner determines that the grantee is obligated to make a repayment to the United States, he will seek to reach agreement as to the amount of such repayment. If such an agreement cannot be reached, the Commissioner will cause an action to be brought in the U.S. District Court for the district in which the noncommercial educational broadcasting facilities are situated to determine the amount of the repayment, and will take such action as may be necessary to secure repayment.

(47 U.S.C. 392(f), 394)

§ 153.22 Petition for reconsideration.

(a) A petition for reconsideration as provided in §§ 153.8, 153.13, and 153.21 must be filed timely with the Commissioner, must state with particularity in what respect the Commissioner's action is claimed to be unjust, unwarranted, or erroneous, must specifically indicate the relief sought, and must be accompanied by a written statement on the question presented. The petition for reconsideration may be accompanied by a request for a hearing, in which event the petitioner must state with particularity the grounds and reasons therefor. If the Commissioner designates the matter for hearing, he will specify the questions in issue, designate the hearing officer and specify the procedures and rules relating to the conduct of the hearing. If the Commissioner does not find that sufficient grounds and reasons exist for granting the relief sought or for providing a requested hearing, he will notify the petitioner, giving reasons for the refusal.

(b) In the event of a hearing the hearing officer shall make a written report to the Commissioner based upon the hearing and containing a recommended decision on the issues. A copy of the report shall be mailed to the petitioner, and the petitioner shall have 15 calendar days from the date of receipt (or such additional time as may be given for good cause) to file with the Commissioner a written statement setting forth with particularity alleged errors in the report and discussing any policy and legal issues presented.

(c) If no written statement is made by the petitioner or by a State educational television or radio agency on the report of the hearing officer and if the Commissioner does not decide to review it, such report shall become the final administrative decision without further proceedings. If a written statement is made on the report of the hearing officer or if the Commissioner decides to review it, he shall review the record of the proceedings and issue a decision based thereon, setting forth the grounds and reasons therefor.

(d) The Commissioner will notify each State educational television or radio agency, if any, in any State, any part of which lies within the service area of the petitioner's broadcasting station, of the filing of a petition for reconsideration under this section and each such agency will be given an opportunity to comment upon the petition. In the event the Commissioner provides a hearing with respect to an action taken under § 153.13, each such State educational television or radio agency will be given an opportunity to appear and to present relevant information and arguments. Any such agency participating in the hearing will be furnished the report of the hearing officer referred to in paragraph (b) of this section and given an opportunity to make a written statement thereon, prior to the expiration of the time period during which time the petitioner may file his statement under paragraph (b) of this section.

(e) Interested persons other than a State educational television or radio agency referred to in paragraph (d) of this section may comment in writing upon any petition for reconsideration filed under this section and for good cause shown, may be given an opportunity to participate to such extent as the Commissioner may determine is appropriate in a hearing held pursuant to this section.

(47 U.S.C. 394)

APPENDIX A—EDUCATIONAL RADIO AND TELEVISION TRANSMISSION APPARATUS AND RELATED COSTS LIST AND MINIMUM EQUIPMENT PERFORMANCE STANDARDS

This Appendix sets forth requirements and standards related to eligible costs for applicants for assistance under this part, including:

(a) An itemization of transmission apparatus and related costs, including installations, considered to be eligible for grant participation and a list of items and costs which are specifically ineligible for grant participation. Neither list is intended to be all-inclusive. It is recognized that both technological changes and/or specific circumstances related to individual applicants may warrant amendments to the lists or consideration of specific justification for the eligibility and inclusion of unlisted items in certain projects.

(b) Standards for determining acceptable minimum performance requirements which will meet the capability of achievement criteria contained in § 153.12(a)(7). Information included in this Appendix is applicable to both radio and television projects.

I. ELIGIBLE AND INELIGIBLE PROJECT COSTS

(A) *Transmission Apparatus Eligible for Federal Matching Grants.*

(1) *Antenna system.*

(a) Tower (guyed or self-supporting) and tower construction including test borings.
(b) Antenna and erection
(c) Transmission line system or waveguides
(d) Tower painting and lighting, including lighting controls (new installations only)
(e) Tower footings, guy anchors, and guy wires
(f) Gas pressure equipment for transmission line
(g) De-icing equipment and controls.

(2) *Transmitter.*

(a) Transmitter, including modulator, power supply, and one set of spare tubes
(b) Diplexers, filters, etc., as required
(c) Crystals, including one set of spares
(d) Dummy load and wattmeter to measure transmitter power output
(e) Transmitter and operational console, picture and calibrated wave form monitors, where necessary
(f) Frequency and modulation monitoring apparatus in compliance with FCC requirements
(g) Input items required, including stabilizing amplifier
(h) Mounting racks
(i) Cables and hardware for installation
(j) Test equipment required by good engineering practice

(3) *Translators.*

(a) Apparatus of the type listed under "Antenna system" and "Transmitter" necessary for the operation of translators
(b) Special receiver required for supplying programs to the translator

(4) *Microwave apparatus (studio-transmitter links, interconnecting microwave relays, and mobile microwave units).*

(a) Transmitter, complete
(b) Receiver, complete
(c) Waveguide or transmission line
(d) Control apparatus as required
(e) Antennas and protective domes
(f) Antenna supports and mountings
(g) Reflectors
(h) Waveguide switches
(i) Ferrite isolator and circulator
(j) Sound diplexing apparatus
(k) Mounting racks
(l) Auxiliary radio communications apparatus to install, maintain, and operate the total broadcast facility

(5) *Recording apparatus.*

(a) Broadcast quality video and audio tape recorders and playback machines
(b) Kinescope film recorders
(c) Recorders using other techniques if capable of maintaining NAB standards of good engineering practice
(d) Related monitoring apparatus, including calibrated oscilloscopes
(e) Accessories required, including electronic editors and spare recording heads as required by good engineering practice

(6) *Studio production equipment (including that intended for remote or mobile program origination).*

(a) Cameras, with control units, picture monitors, and wave form monitors.
(b) Film camera chain, multiplexer, mounting stand, control equipment, and television film, slide, and opaque projectors
(c) Camera lenses, zoom lenses
(d) Camera pedestals, tripods, friction heads, and cradles (professional models)
(e) Camera cables, plugs, and connectors
(f) Sync generator, including a spare and switchover mechanism
(g) Video switcher and console, picture, and calibrated wave form monitors, and electronic effects generator
(h) Calibrated wave form monitor and picture monitor with provision to display pulse cross for checking sync pulses
(i) Utility monitors
(j) Power supplies, regulated
(k) Broadcast-type control consoles, amplifiers, VU meter, etc.
(l) Microphones, low impedance, high quality
(m) Microphone booms
(n) Broadcast quality turntables with accessories required
(o) Broadcast quality audio tape recorders with accessories required
(p) Equipment racks, patch panels, plugs, cords, loudspeakers
(q) Test equipment required by good engineering practice

(7) *Other interconnection equipment.*

Interconnection equipment, to the extent reasonable and necessary, as determined by the Commissioner, for the reception and utilization of program material made available via interconnection systems.

(47 U.S.C. 392 (a) and (d), 394)

(B) *Installation Costs Eligible for Federal Matching Grants.*

Labor and materials necessary for the initial installation of project apparatus, including direct supervision but not including indirect or overhead costs.

(47 U.S.C. 392 (a) and (d), 394)

(C) *Planning Costs Eligible for Federal Matching Grants.*

Engineering, legal, and other activities performed by qualified employees or consultants directly related to planning for the project, preparation, and filing of the appropriate applications to HEW and FCC and

installation of apparatus. Approvability of such items is subject to final determination by the Commissioner. Such services may include: (1) Project planning; (2) equipment planning; (3) engineering planning; (4) hardware and engineering aspects of preparing and filing the HEW application for grant and related FCC applications for construction permits; (5) preparation of specifications; (6) evaluation of bids; (7) supervision of installation; (8) inspection upon completion; (9) proofs or performance; (10) legal services, to the extent reasonably required, for the preparation, filing, and routine prosecution of uncontested applications; and (11) other services related to site location and planning, frequency or channel search and feasibility or structural studies conducted prior to the filing of an application.

(47 U.S.C. 392 (a) and (d), 394)

(D) *Items Ineligible for Federal Matching Grants.*

(1) Land and land improvements for studio and/or transmitter building and tower, etc.; (2) Structures, including any reinforcement or modification thereof to house or support any transmission apparatus or any other radio or television equipment or facilities, including structural analysis studies; (3) Maintenance equipment such as hand and power tools and maintenance services; (4) Vehicles, including those in which mobile equipment is mounted or carried; (5) Broadcast receiving equipment (except as required for station personnel to monitor transmitted programs or for rebroadcast purposes); (6) Manual film or tape editing equipment; (7) Studio lighting and control equipment; (8) Air conditioning for control or equipment rooms, studios, transmitter, and mobile units, except that the cost to provide ventilation of project apparatus as is required by good engineering practice is an eligible installation cost; (9) Reels (film or tape); (10) Office intercom equipment; (11) Primary power supply, regulators, and associated equipment; (12) Furniture, fixtures, studio clocks, etc.; (13) Office equipment, printing and duplicating supplies; (14) Scenery and props; (15) Production devices such as prompting systems, background screen projection systems, wind generators, etc.; (16) Storage cabinets; (17) Cleaning equipment; (18) Film; (19) Recording tape; (20) Art supplies and equipment; (21) Special items such as automation apparatus, character generators, quadraphonic equipment, sound improvement systems, spare or back-up systems or equipment, unless necessity can be clearly established by specific justification and the proposed system is consistent with standards of good broadcast engineering practice; (22) Expendable items, including tubes normally considered spares except for the transmitters; and (23) Staff time necessary for planning and preparation of applications, except as permitted under hearing I (C) of this Appendix.

(47 U.S.C. 392 (a) and (d), 394)

II. STANDARDS FOR PROJECT APPARATUS

Project apparatus must comply with the specifications and performance requirements contained in the FCC's rules and regulations cited in § 153.2. The FCC requirements primarily relate to transmitters, translators, and antenna systems. The following performance standards, which are in addition to FCC requirements, shall serve as benchmarks for determining minimum system capacities for purposes of § 153.12(a)(7). Electronic Industries Association standards specified in the following paragraphs of this Appendix are hereby incorporated in this part by reference, as approved by the Director of the FEDERAL REGISTER. Copies of these standards may be obtained from the Director, Educational Broadcasting Facilities, U.S. Office of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202 or from the Electronic Industries Association, Engineering Department, 2001 Eye Street, NW, Washington, D.C. 20006.

(A) *Broadcast Transmitting Apparatus (Antenna System, Transmitter System, and Related Items).*

(1) In addition to current pertinent FCC requirements, Electronic Industries Association Standard RS-222-B (December 1972) "Structural Standards for Steel Antenna Towers and Supporting Structures," established by the Electronic Industries Association should apply to the tower and antenna system.

(2) Where an antenna system is to be added to an existing tower, a structural analysis should be performed to assure that the added facility will not overload the tower.

(3) Selection of transmission lines or waveguide should be dictated by good engineering practice in keeping with high efficiency and minimal attenuation.

(B) *Studio Equipment.*

(1) Studio equipment and mobile equipment should comply with specifications contained in Electronic Industries Association Standard RS-170 (November, 1957) "Electrical Performance Standards—Monochrome Television Studio Facilities," and in TR-144 (February, 1959) "Color Television Test Signal to Accompany Monochrome Transmission."

(2) Studio cameras, film cameras, remote and mobile cameras, and tape recording devices should operate with electrical characteristics as specified by Electronic Industries Association Standard RS-170.

(3) Composite video outputs of various units, namely studio cameras, film cameras, remote and mobile cameras, video switchers, tape recording devices, and related video amplifiers, used for television broadcast purposes, should conform to specifications in Electronic Industries Association Standard RS-170.

(4) Studio cameras, film cameras, and mobile cameras should have optional composite or noncomposite outputs.

(5) Each camera, except fixed cameras used exclusively for flip cards, film pickup, easels, etc., should be equipped with an electronic viewfinder. The size of the kinescope viewfinder tube should be at least 5 inches. Focus control of other than fixed cameras should include mechanical movement of the photo sensitive tube and either a lens turret for multiple mounting of lenses or provision for use of a vari-focal or zoom lens. Lens turret and optical focus controls should be operable from the rear of the camera. Provision to reverse camera sweep and polarity should be included.

(6) Video switchers should switch noncomposite video signals followed by electronic mixing or sync addition. A calibrated wave form monitor should be incorporated at the switcher output to give a visual display of sync pulse as well as related video signal voltage information. A picture monitor should also be provided at the switcher output. The switcher should include a fade-lap dissolve feature and at least five inputs—three noncomposite and two optional composite or noncomposite. Additional monitoring apparatus should be provided for checking wave form and picture outputs of cameras and tape playback facilities.

(7) Television recorders, including tapes, film, or other devices used for the recording of television picture and sound signals for delayed playback for broadcast are subject to the following standards: (a) The composite video output signals reproduced by a tape playback device should comply with Electronic Industries Association Standard RS-170 concerning video wave form and sync pulses; (b) film and television type recorders should be capable of being used regularly with other devices of the same category which are normally employed in the broadcasting of recorded television programs; and (c) film recorders should be capable of making recordings having linear output-input characteristics when reproduced on a standard vidicon film chain.

(8) Broadcast audio apparatus should comply with Electronic Industries Association Standard RS-219 (April 1959) "Audio Facilities for Radio Broadcasting Systems."

(47 U.S.C. 392 (a) and (d), 394)

APPENDIX B—PROJECT PRIORITIES

I. ASSIGNMENT OF PRIORITIES TO APPLICATIONS

Applications which have been filed in accordance with § 153.5 and accepted by the Commissioner under procedures established in § 153.8 will be assigned one or more of the following priorities, and applicants will be notified of the priority or priorities assigned to each project. If an application consists of components which fall into more than one priority category, the applicant must be prepared to accept, for the entire project, a grant award for whatever portion, if any, the Commissioner determines can be accommodated within the funding limitations of a fiscal year. With regard to projects funded in part, components not funded must be resubmitted as new applications in accordance with § 153.5 and accepted for filing as provided in § 153.8.

Proportions of the available funds to be awarded in various priority categories will be determined by the Commissioner after consultation with a panel of national advisors to achieve a fair distribution of funds over the major priority categories consistent with the pattern of needs reflected in applications under consideration for a given fiscal year. As the percentage of the U.S. population brought within the coverage range of at least one noncommercial broadcast station is enlarged, it is expected that the implementation of these priorities will result in the expenditure of an increasing share of appropriated funds to extending the facilities of existing stations to provide for essential initial and basic capabilities required to (1) serve fully their local communities; (2) develop a national system of effective noncommercial stations; and (3) provide for production capability justified by national, regional, statewide, and local programming commitments.

II. PROJECT PRIORITIES

PRIORITY I

A. Projects to provide stations with first state-of-the-art reproduction capability. This refers to color capability of a videotape recorder and film chain, stereo capability of an audio turntable and tape recorder and other associated radio or television apparatus.

B. Projects to provide local stations with first state-of-the-art "live" production capability (i.e., first studio color cameras, stereo apparatus) where this need can be justified by proven production requirements to meet identified community needs.

C. Projects to acquire transmitter/antenna apparatus necessary to increase power or

otherwise extend station coverage where the in-state population to be served increases substantially, or which are necessary to provide improved signal (including color, SCA, or stereo signals) for larger population groupings, and provide comparability with commercial station coverage.

D. Projects to acquire apparatus for the interconnection of stations in a State network (or a particular geographical region across State lines) where applicant ownership of interconnection facilities can be fully justified as advantageous in comparison with leasing of interconnection services.

PRIORITY II

A. Proposals to activate new stations in areas currently without a public broadcasting station with appropriate local or State license, to serve populations of 500,000 or more. Proposals to activate the first broadcasting station in a State.

B. Proposals to activate new stations in areas currently without a public broadcasting station under appropriate local or State license, to serve popuations between 250,000 and 500,000.

C. Projects to provide production capability for stations providing program services beyond their local requirements for distribution over national, regional, and statewide interconnection. (To qualify in this category, a project justification must be verified by production commitment from recognized national, regional, or State network program clients supporting such production need, the applicant must demonstrate the inability of presently owned apparatus to meet production requirements, and the apparatus requested may not exceed the reasonable requirements of the verified production commitments.)

D. Projects to acquire transmitter/antenna apparatus necessary to increase power or otherwise extend or improve station coverage where the increase in population does not justify inclusion in Category IC.

PRIORITY III

A. Projects to activate new stations in areas currently without a public broadcasting station under appropriate local or State license where population to be served is less than 250,000.

B. Projects to augment production and reproduction capabilities of local stations beyond the basic or initial capability. Such proposals will require documentation of local live production requirements in excess of existing capability.

PRIORITY IV

A. Projects to activate second (or more) public broadcasting stations in areas already served by such a station under appropriate local or State license.

B. Projects to equip auxiliary studios at other than the main studio.

(47 U.S.C. 392(d), 394; 45 CFR 60.12)

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PART III


# ENVIRONMENTAL PROTECTION AGENCY

■

## Thermal Processing and Land Disposal of Solid Waste

### Guidelines

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 240—GUIDELINES FOR THE THERMAL PROCESSING OF SOLID WASTES

PART 241—GUIDELINES FOR THE LAND DISPOSAL OF SOLID WASTES

On April 27, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (Vol. 38, No. 81, pp. 10544 10553) "Proposed Guidelines for Thermal Processing and Land Disposal of Solid Wastes." The guidelines were proposed pursuant to the mandate of section 209 (a) of the Solid Waste Disposal Act as amended (Pub. L. 91–512), with applicability described in section 211 of the Act.

The guidelines are intended to provide for operations that will have minimum impact on the environment. They do not establish new standards, but set forth requirements and recommended procedures to ensure that the design, construction, and operation of thermal processing and land disposal facilities meet the environmental and health standards for the area in which they are located.

The guidelines are organized into mandatory requirements and recommended procedures. It is important to understand the interrelationship of these two sections: The requirements are intended as the minimum acceptable level of performance to provide for environmentally safe operations and must be satisfied by all facilities to which they are applicable. The recommended procedures are not ends unto themselves, but represent recommended means by which the requirements may be satisfied. Owners and operators of thermal processing and land disposal facilities are expected to employ the most efficient techniques and operating practices to satisfy the requirements; the recommended procedures represent such techniques and practices based on current knowledge. In order to provide latitude in design and operation to account for diverse conditions across the Nation, as well as development of new technology, other techniques and practices may be used in lieu of those presented as recommended procedures. If techniques other than those specified are used, it is the obligation of the facility's owner and operator to demonstrate to the responsible agency in advance that such techniques and practices will, in fact, satisfy the requirements.

In publishing the proposed guidelines, responses were requested of both Federal and non-Federal agencies on the following specific issues:

1. The probable range of annual costs of Federal agency compliance with the guidelines.

2. The likely impact particularly on communities disposing of their solid waste on Federal lands.

3. Planning of Federal agency compliance with the guidelines.

The Agency also invited public comment about and review and criticism of the guidelines. Responses and comments were received and are on file with the Agency. A number of these comments have resulted in changes—deletions from or additions to the guidelines. Responses and comments are discussed in part below. Interested parties may obtain copies of a summary of comments received by requesting it from the Deputy Assistant Administrator for Solid Waste Management Programs (HM–562), U.S. Environmental Protection Agency, Washington, D.C. 20460.

RESPONSES REQUESTED

1. Probable range of annual costs of Federal agency compliance with the guidelines. Federal agencies indicated that compliance with the guidelines would necessitate increased budget requests to upgrade facilities and maintain inspection, surveillance and compliance systems. Most facilities used by Federal agencies, as well as those operated on Federal land by non-Federal agencies, will require upgrading. However, expected cost increases could not be derived without prolonged and detailed study. Such studies are expected to be conducted and used by the Federal agencies as they comply with the guidelines.

2. *Likely impact, particularly on communities disposing of their solid waste on Federal lands.* Federal agencies reported that most communities would experience increased costs. Impact would vary considerably since existing requirements in many States are equal to or more stringent that those of the guidelines. Some communities are interested in improving their operations and are prepared to absorb increased costs.

Communities are expected to meet the improvements expected by several means such as increased budgets, regionalization of systems to realize economies of scale, or establishing more rational and realistic schedules of operation to maximize site use and minimize labor costs.

3. *Planning of Federal agency compliance with the guidelines.* Federal agencies indicated a need for development of meaningful compliance schedules and expressed concern for the availability of funds to attain compliance.

COMMENTS

1. *General.* Several commentators raised questions regarding compliance plans and schedules. These issues will be addressed and resolved in subsequent guidance documents to be developed pursuant to section 211(a)(4) of the Solid Waste Disposal Act as amended, which provides for implementation regulations.

Commentators pointed out the potential for confusion in determining the relationship between requirements and recommended procedures provided in the guidelines. As stated in the preamble of the proposed guidelines, the requirements delineate minimum levels of performance required of facilities. The recommended procedures represent the most efficient techniques and operating practices, based on current knowledge, which facility owners and operators are expected to employ to meet the requirements. Techniques other than those specified as recommended procedures may be used. This approach, i.e. requirements/procedures, was specifically designed to account for varying demographic, geographic, and climatological conditions, thereby permitting accommodations to local conditions and alternative management and technical approaches.

The American Petroleum Institute suggested that the definition of the term "solid waste" used in the guidelines is a misrepresentation of the intent of the Solid Waste Disposal Act as amended. The issue of concern is inclusion of the term "sludges" in the guidelines definition, while it does not appear in the definition used in the Act. The Institute viewed this inclusion to constitute an expansion of the Act beyond its originally intended scope. The Agency has re-examined the definitions of the terms "sludge" and "solid waste" as presented in the guidelines and found them to be consistent with the intent of the Act.

Several commentators expressed concern for the subjective nature of the requirement entitled "aesthetics." The Agency recognizes that aesthetic acceptability is a subjective matter and will necessitate responsible interpretation. The Agency views aesthetic acceptability as a valid concern which should be addressed in the guidelines and must be considered by owners and operators of solid waste processing and disposal facilities. As neither the Agency nor reviewers have been able to devise quantitative indicators of aesthetic acceptability to overcome the subjective nature of the issue, the requirement has been retained as proposed, and the Agency expects professional judgment and common sense to prevail to assure aesthetically acceptable operations.

2. *Thermal Processing.* The State of New York objected to the language of § 240.100(a) which stated that thermal processing facilities must be operated in conjunction with a final land disposal facility. While recognizing the need for a disposal site to receive residues and wastes which cannot be thermally processed, the State did not agree that such a site need be operated in conjunction with the thermal processing facility. The Agency agrees with the objection and has changed the language of this section.

The Manufacturing Chemists Association suggested that the second sentence of § 240.200–1 be revised to provide more flexibility on the types of wastes to be accepted at a facility. The suggestion was premised on the possibility that facilities may be able to demonstrate that other wastes can be satisfactorily processed within their design capability or after appropriate facility modification. The Agency agrees that such provision is appropriate and has revised that section.

3. *Land Disposal.* Several commentators expressed concern that the guidelines are stringent to the extent that compliance will be prohibitive for small communities, thereby removing Federal lands from use by these communities

as solid waste disposal sites. The Agency is aware that implementation of the guidelines will necessitate a reassessment, on the part of many communities presently using Federal land for solid waste disposal, of current practices and alternatives. Where community solid waste disposal practices on Federal lands are found to be unacceptable, communities may elect to upgrade their practices, working with the Federal land-holding agency; or discontinue their practices, seeking a site not on Federal land. The Agency is of the opinion that solid waste disposal practices must be upgraded to acceptable environmental levels regardless of whether disposal sites are on Federal or non-Federal land. The majority of the States have rules and regulations equal to or more stringent than the guidelines, and local governments therefore are already faced with the necessity of upgrading their unacceptable practices. Certainly, increased costs may occur, but such increases are imminent regardless of whether Federal or non-Federal land is used. The Agency is of the opinion that the annual per capita cost to comply with the minimum requirements of these guidelines is small and reasonable. Further, as previously discussed, the flexibility of the requirements/procedures concept allows great latitude and professional judgment on compliance, thereby accommodating local needs, situations, practices, and economic conditions.

The Sierra Club (New Jersey Chapter) suggested that the guidelines require monitoring and control of decomposition gases and leachate at all land disposal sites since it is their opinion that this is necessary in the northeast. The Agency recognizes that such monitoring and control would be appropriate at many sites. However, the guidelines must be relevant to various site characteristics and designs across the entire nation and must, therefore, incorporate some degree of flexibility to accommodate diverse conditions. Thus, § 241.212 provides for monitoring as required by the responsible agency, allowing an assessment of individual site conditions.

The Sierra Club (New Jersey Chapter) suggested that the guidelines provide for retention basins or other means of reducing flooding potential from rapid runoff. The Agency agrees and has revised § 241.204–3 to reflect this concern, as well as that for stream siltation.

Several commentators expressed concern that § 241.209 should be more stringent in requiring application of daily cover, while others suggested that the section is too stringent as written. As reflected in the recommended procedures of § 241.209, the Agency recognizes the application of daily, intermediate, and final cover as the most efficient operating practice based on current knowledge for meeting the requirement as stated. However, recognizing that this practice is not an end unto itself, but a means of maintaining environmental quality, the guidelines provide for use of other practices where they can be shown to satisfy the requirements of environmental and health needs.

*Implementation.* Pursuant to the mandate of section 209 of the Solid Waste Disposal Act, these guidelines are recommended to Federal, State, interstate, regional, county, and local solid waste management agencies.

The guidelines are to be used by U.S. Executive agencies in complying with section 211 of the Act and Executive Order 11752. Within the established policies of the Administration, Executive agencies should begin the development of plans for ensuring compliance with the guidelines as required by the Act and the Order. The development of these plans, recognizing the budget cycles of the Federal Government, should be designed so as to provide adequate information for cost assessment and prioritization of compliance projects, and schedules to meet the guidelines.

AUTHORITY: These guidelines are issued under the authority of section 209 of the Solid Waste Disposal Act (Pub. L. 89–272, as amended by Pub. L. 91–512).

JOHN QUARLES,
*Acting Administrator.*

AUGUST 7, 1974.

Subpart A—General Provisions



AUTHORITY: Sec. 209(a), Solid Waste Disposal Act of 1965 (Pub. L. 89–272); as amended by the Resource Recovery Act of 1970 (Pub. L. 91–512).

## Subpart A—General Provisions

### § 240.100 Scope.

(a) The prescribed guidelines are applicable to thermal processing facilities designed to process or which are processing 50 tons or more per day of municipal-type solid wastes. The application of this capacity criterion will be interpreted to mean any facility designed to process or actually processing 50/24 tons or more per hour. However, the guidelines do not apply to hazardous, agricultural, and mining wastes because of the lack of sufficient information upon which to base recommended procedures.

(b) The requirement sections contained herein delineate minimum levels of performance required of any solid waste thermal processing operation. The recommended procedures sections are presented to suggest preferred methods by which the objectives of the requirements can be realized. The recommended procedures are based on the practice of incineration at large facilities (50 tons per day or more) processing municipal solid waste. If techniques other than the recommended procedures are used or wastes other than municipal wastes are processed, it is the obligation of the facility's owner and operator to demonstrate to the responsible agency in advance by means of engineering calculations, pilot plant data, etc., that the techniques employed will satisfy the requirements.

(c) Thermal processing residue must be disposed of in an environmentally acceptable manner. Where a land disposal facility is employed, it must be in accordance with the Environmental Protection Agency's Guidelines for The Land Disposal of Solid Wastes for both residues from the thermal processing operation and those non-hazardous wastes which cannot be thermally processed for reasons of health, safety, or technological limitation.

(d) Pursuant to section 211 of the Solid Waste Disposal Act, as amended, these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local government agencies for use in their activities.

(e) The guidelines are intended to apply equally to all solid waste generated by Federal agencies, regardless of whether processed or disposed of on or off Federal property; and solid waste generated by non-Federal entities, but processed or disposed of on Federal property. However, in the case of many Federal facilities such as Post Offices, military recruiting stations, and other offices, local community solid waste processing and disposal facilities are utilized, and processing and disposal is not within the management control of the Federal agency. Thus, implementation of the guidelines can be expected only in those situations where the Federal agency is able to exercise direct management control over the processing and disposal operations. However, every effort must be made by the responsible agency, where offsite facilities are utilized, to attain processing and disposal facilities that are in compliance with the guidelines. Where non-Federal generated solid waste is processed and disposed of on Federal land and/or facilities, those facilities and/or sites must be in compliance with these guidelines. Determination of compliance to meet the requirements of the guidelines rests with the responsible agency, and they have the authority to determine how such compliance may occur.

### § 240.101 Definitions.

As used in these guidelines:

(a) "Air": "Overfire air" means air, under control as to quantity and direction, introduced above or beyond a fuel bed by induced or forced draft. "Underfire air" means any forced or induced air, under control as to quantity and direction, that is supplied from beneath and which passes through the solid wastes fuel bed.

(b) "Bottom ash" means the solid material that remains on a hearth or falls off the grate after thermal processing is complete.

(c) "Combustibles" means materials that can be ignited at a specific temperature in the presence of air to release heat energy.

(d) "Design capacity" means the weight of solid waste of a specified gross calorific value that a thermal processing facility is designed to process in 24 hours of continuous operation; usually expressed in tons per day.

(e) "Discharge" means water-borne pollutants released to a receiving stream directly or indirectly or to a sewerage system.

(f) "Emission" means gas-borne pollutants released to the atmosphere.

(g) "Facility" means all thermal processing equipment, buildings, and grounds at a specific site.

(h) "Fly ash" means suspended particles, charred paper, dust, soot, and other partially oxidized matter carried in the products of combustion.

(i) "Free moisture" means liquid that will drain freely by gravity from solid materials.

(j) "Furnace" means the chambers of the combustion train where drying, ignition, and combustion of waste material and evolved gases occur.

(k) "Grate siftings" means the materials that fall from the solid waste fuel bed through the grate openings.

(l) "Gross calorific value" means heat liberated when waste is burned completely and the products of combustion are cooled to the initial temperature of the waste. Usually expressed in British thermal units per pound.

(m) "Hazardous waste" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects.

(n) "Incineration" means the controlled process which combustible solid, liquid, or gaseous wastes are burned and changed into noncombustible gases.

(o) "Incinerator" means a facility consisting of one or more furnaces in which wastes are burned.

(p) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(q) "Municipal solid wastes" means normally, residential and commercial solid wastes generated within a community.

(r) "Open burning" means burning of solid wastes in the open, such as in an open dump.

(s) "Open dump" means a land disposal site at which solid wastes are disposed of in a manner that does not protect the environment, are susceptible to open burning, and are exposed to the elements, vectors, and scavengers.

(t) "Plans" means reports and drawings, including a narrative operating description, prepared to describe the facility and its proposed operation.

(u) "Residue" means all the solids that remain after completion of thermal processing, including bottom ash, fly ash, and grate siftings.

(v) "Responsible agency" means the organizational element that has the legal duty to ensure that owners, operators, or users of facilities comply with these guidelines.

(w) "Sanitary Landfill" means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

(x) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

(y) "Solid wastes" means garbage, refuse, sludges, and other discarded solid materials resulting from industrial and commercial operations and from community activities. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

(z) "Special wastes" means nonhazardous solid wastes requiring handling other than that normally used for municipal solid waste.

(aa) "Thermal processing" means processing of waste material by means of heat.

(bb) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

## Subpart B—Requirements and Recommended Procedures

### § 240.200 Solid wastes accepted.

### § 240.200–1 Requirement.

In consultation with the responsible agencies, the owner/operator shall determine what wastes shall be accepted and shall identify any special handling required. In general, only wastes for which the facility has been specifically designed shall be accepted; however, other wastes may be accepted if it has been demonstrated to the responsible agency that they can be satisfactorily processed within the design capability of the facility or after appropriate facility modifications.

### § 240.200–2 Recommended procedures: Design.

(a) In addition to the residential and commercial wastes normally processed at municipal-scale incinerators, certain special wastes might be considered for processing. These include: Certain bulky wastes (e.g., combustible demolition and construction debris, tree stumps, large timbers, furniture, and major appliances), digested and dewatered sludges

from waste water treatment facilities, raw sewage sludges, and septic tank pumpings.

(b) If the facility is designed to handle special wastes, special areas should be provided where appropriate for storage while they await processing.

§ 240.200–3 Recommended procedures: Operations.

(a) Storage areas for special wastes should be clearly marked.

(b) Facility personnel should be thoroughly trained in any unusual handling required by acceptance of Special Wastes.

§ 240.201 Solid wastes excluded.

§ 240.201–1 Requirement.

Using information provided to them by the waste generator/owner, the responsible agency and the facility owner/operator shall jointly determine specific wastes to be excluded and shall identify them in the plans. The generator/owner of excluded wastes shall consult with the responsible agency in determining an alternative method of disposal for excluded wastes. The criteria used in considering whether a waste is unacceptable shall include the facility's capabilities, alternative methods available, the chemical and biological characteristics of the waste, environmental and health effects, and the safety of personnel. Disposal of pesticides and pesticide containers shall be consistent with the Federal Environmental Pesticides Control Act of 1972 (Pub. L. 92–516) and recommended procedures promulgated thereunder.

§ 240.201–2 Recommended procedures: Design.

(a) Provision for storing, handling, and removing hazardous or excluded wastes inadvertently left at the facility should be considered in design.

(b) Examples of wastes which should be considered for exclusion from the facility include: Hazardous wastes, very large carcasses, automobile bodies, dewatered sludges from water treatment plants, and industrial process wastes.

§ 240.201–3 Recommended procedures: Operations.

(a) Regular users of the facility should be given a list of excluded materials. The list should also be displayed prominently at the facility entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the installation and reported to the responsible agency.

(b) The operating plan should specify the procedures and precautions to be taken if unacceptable wastes are delivered to the facility or are improperly left there. Operating personnel should be thoroughly trained in such procedures.

§ 240.202 Site selection.

§ 240.202–1 Requirement.

Site selection and utilization shall be consistent with public health and welfare, and air and water quality standards and adaptable to appropriate land-use plans.

§ 240.202–2 Recommended procedures: Design.

(a) Whenever possible, thermal processing facilities should be located in areas zoned for industrial use and having adequate utilities to serve the facility.

(b) The site should be accessible by permanent roads leading from the public road system.

(c) Environmental factors, climatological conditions, and socioeconomic factors should be given full consideration as selection criteria.

§ 240.202–3 Recommended procedures: Operations.

Not applicable.

§ 240.203 General design.

§ 240.203–1 Requirement.

A plan for the design of new facilities or modifications to existing facilities shall be prepared or approved by a professional engineer. A list of major considerations and the rationale for the decision on each consideration shall be approved by the responsible agency prior to authorization for construction. This information shall remain available for review.

§ 240.203–2 Recommended procedures: Design.

(a) The types, amounts (by weight and volume), and characteristics of all solid wastes expected to be processed should be determined by survey and analysis. The gross calorific value of the solid wastes to be processed should be determined to serve as a basis for design.

(b) Resource recovery in the form of heat utilization or direct recovery of materials should be considered in the design.

(c) The facility should be designed to be compatible with the surrounding area, easy to maintain, and consistent with the land use of the area.

(d) Employee convenience facilities and plant maintenance facilities should be provided. Adequate lighting should be provided throughout the facility.

(e) The corrosive and erosive action of once-through and recirculated process waters should be controlled either by treating them or by using materials capable of withstanding the adverse effects of the waters.

(f) Facility design capacity should consider such items as waste quantity and characteristics, variations in waste generation, equipment downtime, and availability of alternate storage, processing, or disposal capability.

(g) Facility systems and subsystems should be designed to assure standby capability in the event of breakdown. Provision for standby water and power should also be considered.

(h) Instrumentation should be provided to determine such factors as: The weight of incoming and outgoing materials (the same scale system may be used for both); total combustion airflow rates; underfire and overfire airflows and the quantitative distribution of each; selected temperatures and pressures in the furnace, along gas passages, in the particulate collection device, and in the stack; electrical power and water consumption of critical units; and rate of operation. The smoke density, the concentration of carbon monoxide, or the concentration of hydrocarbons in the stack gases should be monitored. Measurement of the pH should be considered for effluent waters. Continuously recording instrumentation should be used as much as possible.

(i) Audible signals should be provided to alert operating personnel of critical operating unit malfunctions.

(j) Sampling capability should be designed into the facility so that each process stream can be sampled, and the utilities required to do so should be close at hand. The sampling sites should be so designed that personnel can sample safely without interfering with normal plant operations.

(k) A laboratory should be included in the design, or provision should be made for laboratory analyses to be performed by an outside source acceptable to the responsible agency.

§ 240.203–3 Recommended procedures: Operations.

Not applicable.

§ 240.204 Water quality.

§ 240.204–1 Requirement.

All waters discharged from the facility shall be sufficiently treated to meet the most stringent of applicable water quality standards, established in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended.

§ 240.204–2 Recommended procedures: Design.

(a) Effluent waters should not be discharged indiscriminately. Consideration should be given to onsite treatment of process and waste waters before discharge.

(b) Recirculation of process waters should be considered.

§ 240.204–3 Recommended procedures: Operations.

(a) When monitoring instrumentation indicates excessive discharge contamination, appropriate adjustments should be made to lower the concentrations to acceptable levels.

(b) In the event of an accidental spill, the local regulatory agency should be notified immediately.

§ 240.205 Air quality.

§ 240.205–1 Requirement.

Emissions shall not exceed applicable existing emission standards established by the U.S. Environmental Protection Agency (as published in Parts 52, 60, 61 and 76 of this chapter) under the authority of the Clean Air Act, as amended, or State or local emission standards effective under that Act, if the latter are more stringent.

§ 240.205–2 Recommended procedures: Design.

(a) These requirements should be met by using appropriate air pollution control technology.

(b) All emissions, including dust from vents, should be controlled.

§ 240.205–3 Recommended procedures: Operations.

When monitoring instrumentation indicates excessive emissions, appropriate adjustments should be made to lower the emission to acceptable levels.

§ 240.206 Vectors.

§ 240.206–1 Requirement.

Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors.

§ 240.206–2 Recommended procedures: Design.

Thermal processing facilities should be designed for ease of cleaning. Areas favorable for breeding of vectors should be avoided.

§ 240.206–3 Recommended procedures: Operations.

(a) A housekeeping schedule should be established and maintained. As a minimum the schedule should provide for cleaning the tipping and residue areas as spillages occur, emptying the solid waste storage area at least weekly, and routinely cleaning the remainder of the facility.

(b) Solid waste and residue should not be allowed to accumulate at the facility for more than one week.

§ 240.207 Aesthetics.

§ 240.207–1 Requirement.

The incinerator facility shall be designed and operated at all times in an aesthetically acceptable manner.

§ 240.207–2 Recommended procedures: Design.

The facility should be designed so that it is physically attractive. The tipping, residue discharge, and waste salvage areas should be screened from public view, and the grounds should be landscaped.

§ 240.207–3 Recommended procedures: Operations.

(a) A routine housekeeping and litter removal schedule should be established and implemented so that the facility regularly presents a neat and clean appearance.

(b) Solid wastes that cannot be processed by the facility should be removed from the facility at least weekly. Open burning or open dumping of this material should be prohibited.

§ 240.208 Residue.

§ 240.208–1 Requirement.

Residue and other solid waste products resulting from a thermal process shall be disposed of in an environmentally acceptable manner. Where land disposal is employed, practices must be in conformance with the U.S. Environmental Protection Agency's Guidelines for the Land Disposal of Solid Wastes. Unwanted residue materials remaining after the recovery operation shall be disposed of in a manner which protects the environment. Where land disposal is employed, practices must be in conformance with the U.S. Environmental Protection Agency's Guidelines for the Land Disposal of Solid Wastes.

§ 240.208–2 Recommended procedures: Design.

Thermal processing facilities should be so designed as to allow for removal from the site of residue or other solids in a manner that protects the environment.

§ 240.208–3 Recommended procedures: Operations.

(a) The furnace operator should visually observe the quality of the bottom ash at least twice per shift and record in the operating log the estimated percentage of unburned combustibles.

(b) If residue or fly ash is collected in a wet condition, it should be drained of free moisture. Transportation of residue and fly ash should be by means that prevent the loads from sifting, falling, leaking, or blowing from the container.

§ 240.209 Safety.

§ 240.209–1 Requirement.

Incinerators shall be designed, operated, and maintained in a manner to protect the health and safety of personnel associated with the operation of the facility. Pertinent provisions of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596) and regulations promulgated thereunder shall apply.

§ 240.209–2 Recommended procedures: Design.

(a) Attention should be given to the safety of operators and vehicles through the provision of safety devices.

(b) Fire control equipment should be provided.

(c) Methods and/or equipment for removal of an injured person from the storage pit should be available.

§ 240.209–3 Recommended procedures: Operations.

(a) Detailed procedures should be developed for operation during such emergency situations as power failure, air or water supply failure, equipment breakdowns, and fire. These procedures should be posted in prominent locations, implemented by the staff as required, and upgraded and revised periodically.

(b) Approved respirators or self-contained breathing apparatus should be available at convenient locations. Their use should be reviewed periodically with facility personnel. Information on this type equipment can be obtained from the Appalachian Laboratory for Occupational Respiratory Disease, National Institute for Occupational Safety and Health, Morgantown, West Virginia.

(c) Training in first aid practices and emergency procedures should be given all personnel.

(d) Personal safety devices such as hard hats, gloves, safety glasses, and footwear should be provided for facility employees.

(e) If a regular user or employee persistently poses a safety hazard he should be barred from the facility and reported to the responsible agency.

§ 240.210 General operations.

§ 240.210–1 Requirement.

The thermal processing facility shall be operated and maintained in a manner that assures it will meet the design requirements. An operations manual describing the various tasks to be performed, operating procedures, and safety precautions for various areas of the facility shall be developed and shall be readily available for reference by plant personnel.

§ 240.210–2 Recommended procedures: Design.

Not applicable.

§ 240.210–3 Recommended procedures: Operations.

(a) The facility supervisor should be experienced in the operation of the type of facility designed or, in the case of an innovated design, be adequately trained by responsible personnel in the operation of the facility.

(b) Alternate and standby disposal and operating procedures should be established for implementation during emergencies, air pollution episodes, and shutdown periods.

(c) Upon completion of facility construction, provision should be made for instruction of the staff in proper operation and maintenance procedures.

(d) A routine maintenance schedule should be established and followed.

(e) As-built engineering drawings of the facility should be provided at the conclusion of construction of the facility. These should be updated to show modifications by the owner as changes are made and should be readily available. A schematic showing the relationships of the various subsystems should also be available.

(f) Key operational procedures should be prominently posted.

(g) Equipment manuals, catalogs, spare parts lists, and spare parts should be readily available at the facility.

(h) Training opportunities for facility operating personnel should be provided.

§ 240.211 Records.

§ 240.211–1 Requirement.

The owner/operator of the thermal processing facility shall provide records and monitoring data as required by the responsible agency.

§ 240.211–2 Recommended procedures: Design.

Continuously recording instrumentation should be used as much as possible.

§ 240.211–3 Recommended procedures: Operations.

(a) Extensive monitoring and record-keeping should be practiced during the first 12 to 18 months of operation of a new or renovated facility, during periods of high air pollution, and during periods of upset conditions at the facility.

(b) During other periods of more normal operation of the facility, less extensive monitoring and record keeping may be practiced if approved by the responsible agency.

(c) Operating records should be kept in a daily log and should include as a minimum:

(1) The total weight and volume (truck capacities may be used for volume determination) of solid waste received during each shift, including the number of loads received, the ownership or specific identity of delivery vehicles, the source and nature of the solid wastes accepted.

(2) Furnace and combustion chamber temperatures recorded at least every 60 minutes and as changes are made, including explanations for prolonged, abnormally high and low temperatures.

(3) Rate of operation, such as grate speed.

(4) Overfire and underfire air volumes and pressure and distribution recorded at least every 60 minutes and as changes are made.

(5) Weights of bottom ash, grate siftings, and fly ash, individually or combined, recorded at intervals appropriate to normal facility operation.

(6) Estimated percentages of unburned material in the bottom ash.

(7) Water used on each shift for bottom ash quenching and scrubber operation. Representative samples of process waters should be collected and analyzed as recommended by the responsible agency.

(8) Power produced and utilized each shift. If steam is produced, quality, production totals and consumption rates should be recorded.

(9) Auxiliary fuel used each shift.

(10) Gross calorific value of daily representative samples of bottom ash, grate siftings, and fly ash. (Sampling time should be varied so that all shifts are monitored on a weekly basis.)

(11) Emission measurements and laboratory analyses required by the responsible agency.

(12) Complete records of monitoring instruments.

(13) Problems encountered and methods of solution.

(d) An annual report should be prepared which includes at least the following information:

(1) Minimum, average, and maximum daily volume and weight of waste received and processed, summarized on a monthly basis.

(2) A summary of the laboratory analyses including at least monthly averages.

(3) Number and qualifications of personnel in each job category; total man-hours per week; number of State certified or licensed personnel; staffing deficiencies; and serious injuries, their cause and preventive measures instituted.

(4) An identification and brief discussion of major operational problems and solutions.

(5) Adequacy of operation and performance with regard to environmental requirements, the general level of housekeeping and maintenance, testing and reporting proficiency, and recommendations for corrective actions.

(6) A copy of all significant correspondence, reports, inspection reports, and any other communications from enforcement agencies.

(e) Methodology for evaluating the facility's performance should be developed. Evaluation procedures recommended by the U.S. Environmental Protection Agency should be used whenever possible (see bibliography).

APPENDIX—RECOMMENDED BIBLIOGRAPHY

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6. Zausner, E. R. An accounting system for incinerator operations. Public Health Service Publication No. 2032. Washington, U.S. Government Printing Office, 1970. 17 p.

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Subpart A—General Provisions



Subpart B—Requirements and Recommended Procedures



AUTHORITY: Sec. 209(a) of the Solid Waste Disposal Act of 1965 (Pub. L. 89–272) as amended by the Recource Recovery Act of 1970 (Pub. L. 91–512).

## Subpart A—General Provisions

### § 241.100 Scope.

(a) The guidelines are generally applicable to the land disposal of all solid waste materials. However, the guidelines do not apply to hazardous, agricultural, and mining wastes because of the lack of sufficient information upon which to base recommended procedures. Concerning the specific practice of land disposal of milled solid wastes, EPA guidance is contained in a position statement issued in November 1972.

(b) The requirement sections contained herein delineate minimum levels of performance required of any solid waste land disposal site operation. The recommended procedures sections are presented to suggest preferred methods by which the objectives of the requirements can be realized.[1] The recommended procedures are based on the practice of sanitary landfilling municipal solid waste: Normally, residential, and commercial solid waste generated within a community. Sanitary landfilling is the most widely applied environmentally acceptable land disposal method. If techniques other than the recommended procedures are used, or wastes other than municipal solid wastes are disposed, it is the obligation of the proposed facility's owner and operator to demonstrate to the responsible agency in advance by means of engineering calculations and data that the techniques employed will satisfy the requirements.

(c) Pursuant to section 211 of the Solid Waste Disposal Act, as amended, these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local government agencies for use in their activities.

(d) These guidelines are intended to provide for environmentally acceptable land disposal site operations. The guidelines do not establish new standards but set forth requirements and recommended procedures to ensure that the design, construction, and operation of both existing and future land disposal sites meet the health and environmental standards for the area in which they are located. The guidelines are intended to apply equally to all solid waste generated by Federal agencies, regardless of whether processed or disposed of on or off Federal property; and solid waste generated by non-Federal entities, but processed or disposed of on Federal property. However, in the case of many Federal facilities such as Post Offices, military recruiting stations, and other offices, local community solid waste processing and disposal facilities are utilized, and processing and disposal is not within the management control of the Federal agency. Thus, implementation of the guidelines can be expected only in those situations where the Federal agency is able to exercise direct management control over the processing and disposal operations. However, every effort must be made by the responsible agency, where offsite facilities are utilized, to attain processing and disposal facilities that are in compliance with the guidelines. Where non-Federal generated solid waste is processed and disposed of on Federal land and/or facilities, those facilities and/or sites must be in compliance with these guidelines. Determination of compliance to meet the requirements of the guidelines rests with the responsible agency, and they have the authority to determine how much compliance may occur.

[1] Further guidance may be found in the EPA publication, "Sanitary Landfill Design and Operation," which served as a basis for the development of these guidelines.

### § 241.101 Definitions.

As used in these guidelines:

(a) "Cell" means compacted solid wastes that are enclosed by natural soil or cover material in a land disposal site.

(b) "Cover material" means soil or other suitable material that is used to cover compacted solid wastes in a land disposal site.

(c) "Daily cover" means cover material that is spread and compacted on the top and side slopes of compacted solid waste at least at the end of each operating day in order to control vectors, fire, moisture, and erosion and to assure as aesthetic appearance.

(d) "Final cover" means cover material that serves the same functions as daily cover but, in addition, may be permanently exposed on the surface.

(e) "Free moisture" means liquid that will drain freely by gravity from solid materials.

(f) "Groundwater" means water present in the saturated zone of an aquifer.

(g) "Hazardous wastes" means any waste or combination of wastes which pose a substantial present or potential hazard to human health or living organisms because such wastes are nondegradable or persistent in nature or because they can be biologically magnified, or because they can be lethal, or because they may otherwise cause or tend to cause detrimental cumulative effects.

(h) "Infectious waste" means: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g. all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto and similar disposable materials from outpatient areas and emergency rooms.

(i) "Intermediate cover" means cover material that serves the same functions as daily cover, but must resist erosion for a longer period of time, because it is applied on areas where additional cells are not to be constructed for extended periods of time.

(j) "Leachate" means liquid that has percolated through solid waste and has extracted dissolved or suspended materials from it.

(k) "Municipal solid wastes" means normally, residential, and commercial solid waste generated within a community.

(l) "Open burning" means burning of solid wastes in the open, such as in an open dump.

(m) "Open dump" means a land disposal site at which solid wastes are disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, vectors, and scavengers.

(n) "Plans" means reports and drawings, including a narrative operating description, prepared to describe the land disposal site and its proposed operation.

(o) "Residue" means all the solids that remain after completion of thermal processing, including bottom ash, fly ash, and grate siftings.

(p) "Responsible agency" means the organizational element that has the legal duty to ensure that owners, operators or users of land disposal sites comply with these guidelines.

(q) "Runoff" means the portion of precipitation that drains from an area as surface flow.

(r) "Salvaging" means the controlled removal of waste materials for utilization.

(s) "Sanitary landfill" means a land disposal site employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material at the end of each operating day.

(t) "Scavenging" means uncontrolled removal of solid waste materials.

(u) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

(v) "Solid wastes" means garbage, refuse, sludges, and other discarded solid materials resulting from industrial and commercial operations and from community activities. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants.

(w) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

(x) "Water table" means the upper water level of a body of groundwater.

(y) "Working face" means that portion of the land disposal site where solid wastes are discharged and are spread and compacted prior to the placement of cover material.

## Subpart B—Requirements and Recommended Procedures

### § 241.200 Solid wastes accepted.

### § 241.200–1 Requirement.

In consultation with the responsible agencies the owner/operator shall de-

termine what wastes shall be accepted and shall identify any special handling required. In general, only wastes for which the facility has been specifically designed shall be accepted; however, other wastes may be accepted if it has been demonstrated to the responsible agency that they can be satisfactorily disposed with the design capability of the facility or after appropriate facility modifications.

§ 241.200–2 Recommended procedures: Design.

The plans should specify the procedures to be employed for wastes requiring special handling.

§ 241.200–3 Recommended procedures: Operations.

(a) Routine sanitary landfill techniques of spreading and compacting solid wastes and placing cover material at the end of each operating day should be used to dispose of municipal solid wastes.

(b) Certain bulky wastes, such as automobile bodies, furniture, and appliances may be salvaged in a controlled manner at a point other than the working face. Otherwise, they should be crushed on solid ground and then pushed onto the working face near the bottom of the cell. Other bulky items, such as demolition and construction debris, tree stumps, and large timbers, should be pushed onto the working face near the bottom of the cell.

(c) Procedures for disposing of dead animals have been established by law in most States, and the operation should comply accordingly. In most cases, small carcasses should be placed on the working face with other municipal solid wastes and covered immediately. In the absence of applicable State laws, large carcasses should be placed in a pit and provided with a cover of compacted soil or other suitable material to encourage runoff of precipitation.

(d) Water treatment plant sludges containing no free moisture and digested or heat treated waste water treatment plant sludges containing no free moisture should be placed on the working face along with municipal solid wastes and covered with soil or municipal solid wastes. The quantities accepted should be determined by operational problems encountered at the working face.

(e) Incinerator and air pollution control residues containing no free moisture should be incorporated into the working face and covered at such intervals as necessary to prevent them from becoming airborne.

§ 241.201 Solid wastes excluded.

§ 241.201–1 Requirement.

Using information supplied by the waste generator/owner, the responsible agency and the disposal site owner/operator shall jointly determine specific wastes to be excluded and shall identify them in the plans. The generator/owner of excluded wastes shall consult with the responsible agency in determining an alternative method of disposal for excluded wastes. The criteria used in considering whether a waste is unacceptable shall include the hydrogeology of the site, the chemical and biological characteristics of the waste, alternative methods available, environmental and health effects, and the safety of personnel. Disposal of pesticides and pesticide containers shall be consistent with the Federal Environmental Pesticides Control Act of 1972 (Pub. L. 92–516) and recommended procedures and regulations promulgated thereunder.

§ 241.201–2 Recommended procedures: Design.

Under certain circumstances it may be necessary to accept special wastes at land disposal sites. The following special wastes require specific approval of the responsible agency for acceptance at the site: Hazardous wastes, infectious institutional wastes, bulk liquids and semi-liquids, sludges containing free moisture, highly flammable or volatile substances, raw animal manure, septic tank pumpings, raw sewage sludge, and certain industrial process wastes. Where the use of the disposal site for such wastes is planned, a special assessment is required of the following items: The site characteristics, nature and quantities of the waste, and special design and operations precautions to be implemented to insure environmentally safe disposal.

§ 241.201–3 Recommended procedures: Operations.

Regular users of the land disposal site should be provided with a list of the materials to be excluded. The list should also be displayed prominently at the site entrance. If a regular user persists in making unacceptable deliveries, he should be barred from the site and reported to the responsible agency.

§ 241.202 Site selection.

§ 241.202–1 Requirement.

Site selection and utilization shall be consistent with public health and welfare, and air and water quality standards and adaptable to appropriate land-use plan.

§ 241.202–2 Recommended procedures: Design.

(a) The hydrogeology of the site should be evaluated in order to design site development in a manner to protect or minimize the impact on groundwater resources. Unacceptable hydrogeologic conditions may be altered to render the site acceptable, but all alterations should be detailed in the plans. Precipitation, evapotranspiration, and other climitological conditions should be considered in site selection and design.

(b) Characteristics of on-site soil should be evaluated with respect to their effects on site operations, such as vehicle maneuverability and use as cover material.

(c) Environmental factors, climatological conditions, and socioeconomic factors should be given full consideration as selection criteria.

(d) The site should be accessible to vehicles which the site is designed to serve by all-weather roads leading from the public road system; temporary roads should be provided as needed to deliver wastes to the working face.

(e) The site should not be located in an area where the attraction of birds would pose a hazard to low-flying aircraft.

§ 241.202–3 Recommended procedures: Operations.

Not Applicable.

§ 241.203 Design.

§ 241.203–1 Requirement.

Plans for the design, construction, and operation of new sites or modifications to existing sites shall be prepared or approved by a professional engineer. The plans shall be submitted to the responsible agency for review and, if warranted, approval.

§ 241.203–2 Recommended procedures: Design.

(a) The types and quantities of all solid wastes expected to be disposed of at the facility should be determined by survey and analysis to form a basis for design.

(b) Site development plans should be prepared or approved by a professional engineer and should include: The various design factors addressed elsewhere in the guidelines, as well as:

(1) Initial and final topographies at contour intervals of 5 feet or less.

(2) Land use and zoning within one-quarter mile of the site including location of all residents, buildings, wells, water courses, arroyos, rock outcroppings, roads, and soil or rock borings. All airports within the vicinity of the site should be identified to aid in assessing the potential hazard of birds to aircraft.

(3) Location of all utilities within 500 feet of the site.

(4) Employee convenience and equipment maintenance facilities.

(5) Narrative descriptions, with associated drawings, indicating site development and operation procedures.

(c) Plans should describe the projected use of the completed land disposal site. In addition to maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases and leachate, the plans should address the following ultimate use criteria:

(1) *Cultivated area.* The major concern if the completed site is to be cultivated is that the integrity of the final cover not be disturbed by agricultural cultivation activities. In this regard, a sufficient depth of cover material to allow cultivation and to support vegetation should be applied in addition to that recommended for final cover.

(2) *Structures.* It is not recommended practice to construct major structures on a completed land disposal site. If major

structures are to be built near a completed land disposal site, a professional engineer should approve their design and construction including provision for protection against potential hazards of solid waste decomposition gases.

§ 241.203–3 Recommended procedures: Operations.

Not applicable.

§ 241.204 Water quality.

§ 241.204–1 Requirement.

The location, design, construction, and operation of the land disposal site shall conform to the most stringent of applicable water quality standards established in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended. In the absence of such standards, the land disposal site shall be located, designed, constructed and operated in such a manner as to provide adequate protection to ground and surface waters used as drinking water supplies.

§ 241.204–2 Recommended procedures: Design.

(a) Plans should include:

(1) Current and projected use of water resources in the potential zone of influence of the land disposal site.

(2) Groundwater elevation and movement and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation.

(3) Potential interrelationship of the land disposal site, local aquifers, and surface waters based on historical records or other sources of information.

(4) Background and initial quality of water resources in the potential zone of influence of the land disposal site.

(5) Proposed location of observation wells, sampling stations, and testing program planned, when appropriate.

(6) Description of soil and other geologic material to a depth adequate to allow evaluation of the water quality protection provided by the soil and other geologic material.

(7) Provision for surface water runoff control to minimize infiltration and erosion of cover material.

(8) Potential of leachate generation and proposed control systems, where necessary, for the protection of ground and surface water resources.

(b) If a land disposal site is located in a flood plain, it should be protected against at least the 50-year design flood by impervious dikes and other appropriate means to prevent the floodwaters from contacting municipal solid waste.

§ 241.204–3 Recommended procedures: Operations.

(a) Surface water courses and runoff should be diverted from the land disposals site (especially from the working face) by means such as trenches, conduits, and proper grading. The land disposal site should be constructed and graded so as to promote rapid surface water runoff without excessive erosion. Regrading should be done as required during construction and after completion to avoid ponding of precipitation and to maintain cover material integrity.

(b) Siltation or retention basins or other approved methods of retarding runoff should be used where necessary to avoid stream siltation or flooding problems due to excessive runoff.

(c) Leachate collection and treatment systems should be used where necessary to protect ground and surface water resources.

(d) Municipal solid wastes and leachate therefrom should not be allowed to contact ground or surface water so as to impair the water's use.

§ 241.205 Air quality.

§ 241.205–1 Requirement.

The design, construction, and operation of the land disposal site shall conform to applicable ambient air quality standards and source control regulations established under the authority of the Clean Air Act, as amended, or State or local standards effective under that Act, if the latter are more stringent.

§ 241.205–2 Recommended procedures: Design.

Plans should include an effective dust control program.

§ 241.205–3 Recommended procedures: Operations.

(a) Open burning of municipal solid waste should be prohibited.

(b) Dust control measures should be initiated as necessary to protect the health and safety of facility personnel, nearby residents, and persons using the facility.

§ 241.206 Gas control.

§ 241.206–1 Requirement.

Decomposition gases generated within the land disposal site shall be controlled on site, as necessary, to avoid posing a hazard to occupants of adjacent property.

§ 241.206–2 Recommended procedures: Design.

Plans should assess the need for gas control and indicate the location and design of any vents, barriers, or other control measures to be provided.

§ 241.206–3 Recommended procedures: Operations.

(a) Decomposition gases should not be allowed to migrate laterally from the land disposal site to endanger occupants of adjacent properties. They should be vented to the atmosphere directly through the cover material, cutoff trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures. (Information on the limits of flammability of gases is available in such references as the "Handbook of Chemistry and Physics," 54th ed. CRC Press, Inc., Cleveland, 1973.)

(b) Decomposition gases should not be allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

§ 241.207 Vectors.

§ 241.207–1 Requirement.

Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors.

§ 241.207–2 Recommended procedures: Design.

Plans should include contingency programs for vector control, and the operator should be prepared at all times to implement those procedures.

§ 241.207–3 Recommended procedures: Operations.

Vector control contingency programs should be implemented when necessary to prevent or rectify vector problems.

§ 241.208 Aesthetics.

§ 241.208–1 Requirement.

The land disposal site shall be designed and operated at all times in an aesthetically acceptable manner.

§ 241.208–2 Recommended procedures: Design.

Plans should include an effective litter control program.

§ 241.208–3 Recommended procedures: Operations.

(a) Portable litter fences or other devices should be used in the immediate vicinity of the working face and at other appropriate locations to control blowing litter. At the end of each operating day, or more often as required, litter should be removed from the fences and incorporated into the cell being used. Alternatively, the litter may be containerized for disposal on the next operating day.

(b) Wastes that are easily moved by wind should be covered, as necessary, to prevent their becoming airborne and scattered.

(c) On-site vegetation should be cleared only as necessary. Natural windbreaks, such as green belts, should be maintained where they will improve the appearance and operation of the land disposal site. Buffer strips should be planted and/or berms constructed as necessary to screen the working force from nearby residences or major roadways.

(d) Salvage operations should be conducted in such a manner as to not detract from the appearance of the land disposal site. Salvaged material should be removed from the land disposal site frequently enough to maintain aesthetic acceptability.

§ 241.209 Cover material.

§ 241.209–1 Requirement.

Cover material shall be applied as necessary to minimize fire hazards, infiltration of precipitation, odors, and blowing litter; control gas venting and vectors; discourage scavenging; and provide a pleasing appearance.

§ 241.209–2 Recommended procedures: Design.

Plans should specify:

(a) Cover material sources and soil classifications (Unified Soil Classification System or U.S. Department of Agriculture Classification System).

(b) Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.

(c) Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and completed areas.

(d) Procedures to maintain cover material integrity, e.g., regarding and recovering.

§ 241.209–3 Recommended procedures: Operations.

(a) Daily cover should be applied regardless of weather; sources of cover material should, therefore, be accessible on all operating days. The thickness of the compacted daily cover should not be less than 6 inches.

(b) Intermediate cover should be applied on areas where additional cells are not to be constructed for extended periods of time; normally, one week to one year. The thickness of the compacted intermediate cover should not be less than 1 foot.

(c) Final cover should be applied on each area as it is completed or if the area is to remain idle for over one year. The thickness of the compacted final cover should not be less than 2 feet.

§ 241.210 Compaction.

§ 241.210–1 Requirement.

In order to conserve land disposal site capacity, thereby preserving land resources, and to minimize moisture infiltration and settlement, municipal solid waste and cover material shall be compacted to the smallest practicable volume.

§ 241.210–2 Recommended procedures: Design.

(a) Arrangements should be made and indicated in the plans whereby substitute equipment will be available to provide uninterrupted service during routine equipment maintenance periods or equipment breakdowns.

(b) An equipment maintenance facility should be provided onsite, or appropriate contract arrangements should be made to receive such service.

(c) Equipment manuals, catalogs, and spare parts lists should be compiled and readily available onsite.

§ 241.210–3 Recommended procedures: Operations.

(a) Municipal solid waste handling equipment should on any operating day be capable of performing the following functions:

(1) Spread the solid waste accepted in layers no more than 2 feet thick while confining it to the smallest practicable area;

(2) Compact the spread solid wastes to the smallest practicable volume (several such compacted layers will form a cell); and

(3) Place, spread, and compact the cover material over the cell at least by the end of each day's operation.

(b) A preventive maintenance program should be employed to maintain equipment in operating order.

(c) An operating manual describing the various tasks that must be performed during a typical shift should be available to employees for reference.

§ 241.211 Safety.

§ 241.211–1 Requirement.

The land disposal site shall be designed, constructed, and operated in such a manner as to protect the health and safety of personnel associated with the operation. Pertinent provisions of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596) and regulation promulgated thereunder shall apply.

§ 241.211–2 Recommended procedures: Design.

A manual describing safety precautions and procedures to be employed should be developed.

§ 241.211–3 Recommended procedures: Operations.

(a) A safety manual should be available for use by employees, and they should be instructed in application of its procedures.

(b) Personal safety devices such as hard hats, gloves, safety glasses, and footwear should be provided to facility employees.

(c) Safety devices, including but not limited to such items as rollover protective structures, seatbelts, audible reverse warning devices, and fire extinguishers should be provided on all equipment used to spread and compact solid wastes or cover material at the facility.

(d) Provisions should be made to extinguish any fires in wastes being delivered to the site or which occur at the working face or within equipment or personnel facilities.

(e) Communications equipment should be available on site for emergency situations.

(f) Scavenging should be prohibited at all times to avoid injury and to prevent interference with site operations.

(g) Access to the site should be controlled and should be by established roadways only. The site should be accessible only when operating personnel are on duty. Large containers may be placed at the site entrance so that users can conveniently deposit waste after hours. The containers and the areas around them should be maintained in a sanitary and litter-free condition.

(h) Traffic signs or markers should be provided to promote an orderly traffic pattern to and from the discharge area, maintain efficient operating conditions, and, if necessary, restrict access to hazardous areas. Drivers of manually discharging vehicles should not hinder operation of mechanically discharging vehicles. Vehicles should not be left unattended at the working face or along traffic routes. If a regular user persistently poses a safety hazard, he should be barred from the site and reported to the responsible agency.

§ 241.212 Records.

§ 241.212–1 Requirement.

The owner/operator of the land disposal site shall maintain records and monitoring data to be provided, as required, to the responsible agency.

§ 241.212–2 Recommended procedures: Design.

Where appropriate, plans should prescribe methods to be used in maintaining records and monitoring the environmental impact of the land disposal site. Information on recording and monitoring requirements should be obtained from the responsible agency.

§ 241.212–3 Recommended procedures: Operations.

(a) Records should be maintained covering at least the following:

(1) Major operational problems, complaints, or difficulties.

(2) Qualitative and quantitative evaluation of the environmental impact of the land disposal site, with regard to the effectiveness of gas and leachate control, including results of: (i) Leachate sampling and analyses; (ii) gas sampling and analyses; (iii) ground and surface water quality sampling and analyses upstream and downstream of the site.

(3) Vector control efforts.

(4) Dust and litter control efforts.

(5) Quantitative measurements of the solid wastes handled. This should be accomplished through routine or periodic utilization of scales and topographic surveys of the site.

(6) Description of solid waste materials received, identified by source of materials.

(b) Upon completion of the site, a detailed description, including a plat, should be recorded with the area's land recording authority. The description should include general types and locations of wastes, depth of fill, and other information of interest to potential landowners.

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